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DEFENCE

OF THE

Mecklenburg Declaration of Independence

An Exhaustive Review
of and Answer to All
Attacks on the
Declaration

By JAMES H. MOORE



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TO MY WIFE, BESSIE H. MOORE,

a descendant of one of the signers of the National Declaration
of Independence, and the perfect flower of the
social graces of the old South grafted
on the democracy of the new,
this defence of the men who made the Mecklenburg
Declaration of Independence from
unjust aspersion

IS AFFECTIONATELY DEDICATED

PREFACE.

In the pages to follow an attempt will be made not so much to present new facts as to marshal the old and new undisputed facts in logical order. The present phase of the Mecklenburg controversy may be compressed into very small compass. It is no longer disputed that a convention was held in May, 1775, which adopted a paper concerning independence. The enemies of the Declaration say that the May 31st Resolves was that paper; that the "convention" and the "committee" that ordered the "Resolves" signed were the same. An analysis is here made of the "Resolves" to show that these systematically and throughout distinguished between the "convention" and the "committee" and designated them as distinct bodies. It is pointed out that Dr. Ephraim Brevard, the admitted author of the paper adopted by the convention, and a practicing physician, could not have produced the May 31st Resolves, which were the work of a lawyer drilled in the details of the practice. The May 20 Declaration is shown to bear the ear-marks of Brevard throughout, while the May 31st Resolves have not one of them. It is shown by contemporaneous record evidence and oral testimony, both of the most positive character, that the Mecklenburgers did declare their independence as claimed. Aside from the positive testimony of witnesses directly and consciously interested in maintaining the truth of the Declaration, the positive and collateral evidences unearthed in the hundred years of the controversy have been most remarkable. The positive testimony of Traugott Bagge in the Moravian record is literally that of one rising from the dead. But it is in the study of such fragments as Brevard's "Instructions," September, 1776; "The Mecklenburg Censor," 1777, and the May 31st Resolves, for the collateral bearings on the question they dis-

close, that the student, keen after the truth of the matter beyond the scant records preserved, will find a lead of absorbing interest and something tinged with the glamour of romance. In the "Instructions" Brevard names the "Convention" in four different paragraphs as the familiar term for the body through which the people conducted their political legislation. He referred to the "committee" in one paragraph only, as a body to pass on claims against the public, which, he urged, should consist "of not less than nine men," the inference being conveyed that he was displeased with the existing committee, of which he was clerk, because of the smallness of its membership. "The Mecklenburg Censor" also mentions the "Convention" and "the assembly," describing them as being "harangued" by Hezekiah Alexander and Waightstill Avery, but he nowhere refers to the "committee," which evidently had not yet developed the importance it subsequently attained as the provisional government of the county while the war continued.

Dr. Brevard was the intellectual and popular leader of the county at the opening of this period. College-bred and talented, he was strongly imbued with the Scotch-Irish Presbyterianism that formed the religion of the settlers. To him they naturally turned to express their views. He wrote their popular papers. The witnesses all agree that he was the author of the Declaration, or of the chief paper adopted by the convention. The "Instructions," conceded to have been written by him, breathe throughout the spirit and employ repeatedly the marked popular phrases of the Declaration as preserved to us by John McKnitt Alexander. On the other hand, there is not a sentence of the May 31st Resolves that suggests the author of the "Instructions."

The "Instructions" bids the county's representatives vote that "North Carolina *is, and of right ought to be, a free and independent State, is vested with the powers of legislation.*

capable of making laws to regulate all the internal police," etc. The Declaration says, "We do hereby declare ourselves a free and independent people, are, and of right ought to be, a sovereign and self-governing Association," etc.

The "Instructions" say, "You are instructed to vote * * * for the future *security of all the Rights, Privileges and Prerogatives* of the State and the private, *natural and unalienable Rights* of the constituent members," etc. And again, "You are instructed to assent and consent to the establishment of the *Christian religion* * * * and that the full and peaceable enjoyment thereof *be secured to all and every* constituent member of the State as their *unalienable Right as Freemen*," etc. The Declaration says, "That whosoever directly or indirectly abetted * * * the * * * dangerous invasion of our rights * * * is an enemy to this County—to America—and to the *inherent and inalienable rights of man*." And again, "We do hereby ordain and adopt * * * *all, each and every* of our former laws, wherein, nevertheless, the Crown of Great Britain never can be considered as holding *rights, privileges, immunities or authority* therein." And again, "It is also further decreed, that *all, each and every* military officer," etc. And again, "To the maintenance of which *independence, civil & religious*," etc.

Not only do the two papers employ the same marked phrases, but they are informed throughout with the same fierce spirit of civil and religious liberty.

Treating of determining the genuineness of an author's writings by internal evidence merely, Hugh Miller says: "We know, for instance, that the Doctor [Dr. Johnson] wrote the English Dictionary, not only because no other man in the world at the time could have written it, but because he affixed his name to the title page. We know, too, that he wrote some of the best of Lord Chatham's earlier speeches, just because he said so, and pointed out the very garret in Fleet street in

which they had been written. But it is from other data we conclude that, during his period of obscurity and distress, he wrote prefaces for the Gentlemen's Magazine, for some six or seven years together,—data derived exclusively from a discriminating criticism; and his claim to the authorship of Taylor's Sermons rests solely on the vigorous character of the thinking displayed in these compositions, and the marked peculiarities of their style."

In the same way we may be morally certain that Waightstill Avery wrote the May 31st Resolves, because there was no other man in Mecklenburg County qualified to write them, and that Dr. Brevard wrote the Declaration not only because the witnesses said he wrote it, but because of "the marked peculiarities" of its "style" and the identity of its temper with that of his other known writings.

If there is anything in internal evidence the author of the "Instructions" wrote the Declaration, and Waightstill Avery, the lawyer, who, "The Censor" said, "any law can quickly make," wrote the May 31st memorial to congress and the digest of laws for the county's government that was incorporated in it. In the popular assembly Brevard was supreme; but when it came to framing the civil code, resort was inevitably had to one skilled in the law. There was but one such person in the county. Waightstill Avery was distrusted as a popular leader because of his profession. "The Censor" and "The Editor," both of whom make manifest their intimate acquaintance with the people of Mecklenburg, abundantly voice this prejudice. Brevard himself, in the "Instructions," recommends that "no practising lawyer * * * shall be a representative of the people in Congress or Convention." But Avery, the lawyer, was indispensable in framing the county government. He drew up the May 31st Resolves, beginning the paper with a preamble, as he begun his draft of the charter for Queen's college, and as his professional cus-

tom was. The technique of the lawyer is evident in every line. There is none of the crudeness in his legal diction, such as marks the layman in Brevard's "Instructions." The paper is a smooth, cold, clear-cut, unimpassioned statement of the situation in the country, giving rise to the necessity for providing a form of government to fit the conditions. In the entire document there is no suggestion of the fierce personal ardor for civil and religious liberty that admittedly animated this Scotch-Irish Presbyterian settlement beyond any other in the colony or the country, and which pervaded both the Declaration and the "Instructions." Even the express reference to the county's independent status in Resolve XVI deals with it as a fact accomplished, the only concern of the draftsman being to draw a statutory enactment providing a method of procedure and imposing a penalty for the violation of the will of the people.

It is impossible that Avery could have been the leader and exponent of the liberty party in Mecklenburg in 1775, which he must have been if the May 31st Resolves were the "true Declaration." The genuine expression of the Scotch-Irish Presbyterian spirit is found in the Declaration, the "Instructions," and in Judge Alexander Martin's charge to the grand jury at Salisbury, June 1, 1775. Avery was of Hungarian origin and of immediate English descent. He could not have inherited the Scotch-Irish prejudices that animated his fellow citizens like a second nature. It is very evident that he was not an enthusiastic liberty advocate in the early '70s of the Revolutionary period, if even his judgment approved of the movement. Lyman Draper says: "In 1771 he [Avery] was made a prisoner by the Regulators at Yadkin Ferry, and carried to their camp in the woods. They gave him a flogging and soon set him at liberty. When the great war came he was prepared to meet it. In such an atmosphere as Mecklenburg, he could only learn to breathe the purest sentiments of patriotism."

But despite his lack of congenital sympathy with the mass of his fellow citizens, his practical mind and training, together with his talent for diplomacy, placed him in a position, after the white heat of patriotic fervor had somewhat spent itself, to fashion the metal in the shape, to some degree, his judgment dictated. That this served his purposes the sequel shows, but that it did not please Dr. Brevard and those he represented, and "The Mecklenburg Censor" and "The Editor" and those for whom they spoke, as well, is easily to be gleaned by a critical study of their productions.

"The Mecklenburg Censor," which will be found in the appendix, affords us an intimate introduction to the Mecklenburgers, for which a more dignified and stated history of them could have given us no compensatory substitute. Of course, the colors of the clever poetaster are laid on with poetic license and exaggeration, but we recognize through his extravagance a realistic flesh and blood folk, with internal bickerings and jealousies, and not the ideal people the critics would have us believe them, incapable of perpetrating an inconsistency, in order to strip them of the credit of having made the first formal declaration of independence. After the failure of Captain Jack's mission to congress, they so far yielded to the pressure brought to whip them into line with the prevailing policy both in the colony and in the country to formally open and close their court in the king's name. This was equally inconsistent whether it was the Declaration or the May 31st Resolves that was adopted by the May convention. But only the most trivial matters, and few of them were entertained in the court, while affairs of moment, such as the case of Dunn and Boote, were heard by "The Committee," in its politico-judicial capacity prescribed for it in the May 31st Resolves as a revolutionary tribunal. "The Committee" did not sit in the court-house, but held its meetings, Alexander tells us, "at Charlotte, at Col. James Harris's, at Colonel Phifer's, alter-

nately, one week at each place. It was a civil court founded on military process. Before this judicature all suspicious persons were made to appear, were formally tried and banished, or continued under guard." The records of this, the real court in 1775, were not kept in the court-house, but were among the Revolutionary minutes which were burned with Alexander's house in 1800.

Aside from such corroborative details as these, it is shown in the pages that follow, by positive contemporaneous record evidence and oral testimony, as before stated, that the Mecklenburgers did declare their independence. Every argument brought by the enemies of the Declaration to throw discredit on the document handed down by the Mecklenburg fathers as the true paper is met fully and exhaustively, and the author trusts as satisfactorily to others as to himself.

The writer is especially desirous to do full justice to Mr. William Henry Hoyt, in answer to whose work on the Mecklenburg Declaration the following chapters are so largely devoted, and whose facts, as far as they go, are accepted in every instance. Mr. Hoyt has done the friends of the Declaration more service by the presentation of many facts and documents hitherto unknown or neglected than he has damaged their cause by his argument. The balance of obligation is in his favor. With the facts before him the reader can judge for himself.

JAMES H. MOORE.

MACON, GA., November 28, 1907.

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DEFENCE OF THE Mecklenburg Declaration of Independence.

CHAPTER I.

THE MECKLENBURG CONTROVERSY.

“Och, aye, Tam Polk declared independence lang before anybody else.”

The writer recently had some controversy in the columns of *The Macon, Ga., Telegraph* concerning the Mecklenburg Declaration of Independence with Mr. William Henry Hoyt, A.M., author of the latest and completest work on this most famous of American historical controversies. The writer had published a “reply” to the critics generally of the Mecklenburg Declaration and Mr. Hoyt made rejoinder thereto. Mr. Hoyt has returned again to the attack in *The Telegraph’s* columns with a further answer. In the meantime he has favored the writer with a copy of his work which the latter had not yet seen and which he has read with unmeasured delight. It is a volume of 284 pages, replete with interest from cover to cover to such as have followed or who may be interested in following this nearly century old dispute. There are eleven chapters, exclusive of preface and appendix, beginning with “The History of the Controversy,” and dealing in turn with “The May 31st Resolves,” which the author styles “The True Declaration;” a comparison of “The Rival Declarations,” “The Lost Cape Fear Mercury,” “Capt. Jack’s Mission to Philadelphia,” “The Salisbury Records,” “An Accumulation of Miracles,” dealing critically with the alleged inconsistent conduct of some of the leading Mecklenburg actors after the May 20 Declaration; “Origin of the Myth,” by which term the author designates the May 20 Declaration; “The Davie Copy,” wherein he makes a critical study of the copy of the May 20 Declaration and statement concerning it in John Me-

Knitt Alexander's well known handwriting, which the old secretary deposited with Gen. William R. Davie; "The Martin and Garden Copies," and finally "The Testimony of the Witnesses" of the Mecklenburg convention which adopted and promulgated the Declaration.

Mr. Hoyt collates and places in interesting juxtaposition some original papers and exhibits hitherto inaccessible, together with many other material documents, and he adduces all the evidence, new and old, pro and con bearing on the subject. Especially is this noteworthy of the reproduction in fac simile of John McKnitt Alexander's rough notes, copy of Declaration and statment of the events leading up to its adoption. Mr. Hoyt states the history of the dispute and the known facts bearing upon it justly, fairly and, we believe, fully. Had the author contented himself with this, leaving the reader to weigh and decide for himself, uninfluenced by the argument of the narrator, his would have been a most admirable work in all respects as it is a most admirable work in many respects.

As it is Mr. Hoyt at the outset designates the May 31st Resolves the "The True Declaration" and dubs the May 20 Declaration a "myth", and while nothing is overlooked or hidden that can throw light on the controversy, inevitably the circumstances which give color to his theory are stressed and emphasized to that end and all testimony of a doubtful character is resolved in its favor. The "overwhelming" testimony of the eyewitnesses to the fact of the mass meeting of the Mecklenburgers and of their declaration of their independence amid the shouts, huzzas and hat-throwing of half the men of the county is met with the argument that the May 31st Resolves are so much like a declaration of independence, constituting, in fact, a "virtual declaration of independence." the author says, (p 28) that these good people whose honesty no one dreams of impeaching, mistook the "Resolves" for a declaration.

Not only were they deceived, we are told, but Governor Martin, Mr. Peter Force and many other "intelligent critics" called the "Resolves" a declaration of independence. Later on, however, the author tells us, (p. 104) the belief that the Resolves "constituted a declaration of independence" was "erroneous." This reversible action of the argument is rendered necessary to sustain the "myth" hypothesis and to support the proposition that there was not a "conscious movement in the colonies having independence as its aim," as early as May, 1775, which the author, in his preface, says is one of the matters of "chief historical importance" concerned. For it is plain if the "Resolves" constitute a virtual declaration of independence," as the author says (p. 28) he gives away his case at the outset.

The author's leaning in favor of his theory does not betray him into injustice of statement, and despite the trend of his argument which does betray him into contradictions throughout, the book is one which the believer in the May 20 Declaration will pursue to the end with delight.

Reading there all the known facts of the controversy, in the light of the history of the period as we now know it, we see the story of the Declaration unfold in its true relations to the times, and many circumstances that perplexed true believers of the event as handed down by their fathers become readily decipherable and understood. We observe that the researches of the antiquarians cannot disturb the dust gathered upon this originally neglected event without bringing more and more to view the large and significant character and certainty of the deed of the Mecklenburgers. We see unfold a story of absorbing pathetic and patriotic interest. How completely every part of it dovetails with the rest!

We see the Mecklenburgers stirred with excitement during the winter and spring of 1774-75, holding a number of public meetings and discussing several different papers. We see

the scholars and more learned meet first in the classic "Queen's Museum" academy and debate the merits of Great Britain's tyranny. We see later the Mecklenburgers called to meet in their several military districts to choose and send each company two delegates to a general meeting to be held on the 19th of May. We see the delegates assemble on the day fixed in larger numbers than anticipated and half the men of the county beside, attracted doubtless by the stirring news from Lexington which is now generally known in the colony.

We see them put aside the more moderate papers looking to an independent plan of government framed before the news arrived from Lexington, and adopting a more drastic and ringing declaration, drafted by Dr. Ephraim Brevard, renouncing absolutely allegiance to the monarch who has wantonly shed the blood of his subjects. "But in a few days," May 31st obviously, "(after cooling)" in the language of John McKnitt Alexander's rough but illuminating notes, we see "a considerable part of the committeemen convened" again. We see them in this cooled state reflecting that their step is a bold one. Reflecting that as so small an integral portion not only of the country, but of the province, they are dependent on the sympathy and co-operation of others in what they have done. We see the more astute and politic suggesting that they must address themselves to the provincial and general Congresses with arguments that will commend themselves to these bodies, that are far from being so forward in this matter of independence. We see them address themselves to the delicate task of presenting it in such shape to the general Congress as to win the sanction of that body.

They adopt the arguments which were used to meet the objections of the more conservative before the news from Lexington precipitated their "rash act" as some of the recalcitrants had already called it, according to Alexander's notes.

The king, they argued, had abdicated. He had "declared the colonies out of his protection" and therefore they were absolved from allegiance. "When protection was withdrawn allegiance ceased." This line of argument the committeemen now adopted in their memorial to Congress. And so they framed a preamble, that, "Whereas, by an address presented to his majesty * * * the American colonies are declared to be in a state of actual rebellion we conceive that all laws and commissions * * * are annulled and vacated, therefore, (1) that all such granted by the Crown are null and void; (2) that all legislative and executive powers are vested in the Continental and Provincial Congresses, and none other does or can exist, and, (3) that as Congress has not yet provided laws, (4) the inhabitants of this county meet and elect their own officers who shall exercise their offices INDEPENDENT OF THE CROWN OF GREAT BRITAIN, and, until other laws are made for us by the Continental and Provincial Congresses, to which alone we owe allegiance, this county will be governed by the following by-laws and regulations—And then followed sixteen additional resolves, comprising an admirable plan of internal government for the county, to which all are in terms obligated on the penalty that any who shall hereafter receive a commission from the Crown, or attempt to exercise any such, shall be deemed an enemy to his country and dealt with as provided in Resolve XVI.

We see them after having executed this wonderfully clever state paper to fit the situation, order it signed by the clerk, Ephraim Brevard, for the committee, combining it in a roll with "a Copy of all resolutions and sd Laws," including the declaration made by the people of the county on the 20th of May, "and a letter to our 3 members there," as Alexander tells us in his crude but enlightening notes, and preparing the whole to go express to Philadelphia by the hand of Capt.

Jack, who has been engaged in the meantime to be the bearer of these to Congress.

We see Capt. Jack after making preparations for his long journey, "set out the following month," on his embassy, "say about June," as he tells us in his certificate. We see him reach Salisbury, 44 miles away, when the "general court" is in session, and we find by the records that the court sat from the 1st to the 6th in the month of June, 1775. We see the court suspend its proceedings to hear the papers Capt. Jack is carrying read publicly. We follow the messenger to Philadelphia, where he places his papers in the hands of the North Carolina delegates. We place him there on the day that Gen. Washington left to take command of the Northern army, which was the 23d of June.

And now commences the century-long pathos and tragedy of this over true story. We see Capt. Jack the herald of independence—the trumpeter of one of the greatest epochal movements of the ages—the first storm bird flying before the mighty upheaval of liberty that is brewing in the bosom of the American wilds wandering about Philadelphia doubtless neglected and alone. He had come on a high mission from his people bearing the tidings of the deed on which they had so generously, rashly staked their fate and fortunes and invoking the Congress's sanction of that deed. What was the reception of the messenger and what was the Congress's answer? What, in fact, was the tone and temper of the body to which he presented himself on such a mission?

When Capt. Jack reached Philadelphia Congress was obsessed with the task of formulating the famous "Olive Branch" petition to George III, the chief object of which was to disabuse the mind of the King of the idea that the colonies were aiming at independence. The petition was "almost fulsome in its tone," says Elson, one of the more recent historians. It said:

We are accused of aiming at independence, but how is this accusation supported? By the allegations of your ministers, not by our actions.

"In deference to his Majesty, who would not recognize Congress as a legal body, the members had signed their humble petition, not as a body, but separately, as individuals, representing their respective colonies." And to conciliate the King they sent the petition to him by the hand of a Tory.

It was upon a body thus concerned for the success of their representations that Capt. Jack obtruded with his untimely, inflammable papers, filled with declarations of independence and schemes for popular government.

Can we wonder that he was ignored? Can we not readily understand why his arrival and the Meeklenburg papers were not even noted in the Journal?

Why was this "flaming declaration" never heard of? asks Mr. Jefferson more than two decades later.

"How is it possible that this paper should have been concealed from me to this day?" John Adams asked.

And Mr. Hoyt, making a critical study of the files of the Philadelphia papers of the period, finds no escape from the conclusion that "the printers were requested not to copy" the Resolves, and that "At all events the May 31 resolves [and by a parity of reasoning the Declaration also] were suppressed in Philadelphia."

"Had it been communicated to me in the time of it," John Adams writes to Mr. Jefferson forty-four years after, "I know if you do not know that it would have been printed in every Whig newspaper upon this continent. You know if I had possessed it, I would have made the hall of Congress echo and re-echo with it fifteen months before your Declaration of Independence."

And Jefferson, in replying to Adams, says:

"Armed with this bold example, would not you have addressed our timid brethren in peals of thunder on their tardy fears?"

And the informed historian of today with calm assurance answers: "No, gentlemen, neither of you would have done

anything of the sort. You would have suppressed it just as those of your colleagues, to whose attention it was brought, and your body as a whole did suppress it, because if you had not suppressed it you could not have signed the 'Olive Branch.' "

Doubtless Adams and Jefferson resting in their old age from their state-creating labors, had in mind the time four months later when the vindictive George III declined to receive their petition or their messenger and literally spurned them from the foot of the throne! If the ill-fated Jack could have happened in on them at that time with either the May 20 declaration or the May 31 Resolves, or both, what a different reception would have been his! How unquestioningly would the fame of Mecklenburg have been perpetuated in song and history without any being so bold as to dispute her primacy.

We have seen, as Mr. Hoyt clearly shows, that particular pains were taken to keep the printed report of the Mecklenburg proceedings out of the Philadelphia papers and the Journal of the Continental Congress is pointedly silent about the express with papers from Mecklenburg County, N. C. Apparently, it was left to Caswell, Hooper and Hewes, the North Carolina delegates, to manage the difficult situation their constituents had created. The delegates named returned by Capt. Jack to the Mecklenburg committee a letter praising them for their "zeal," but informing them they were "premature" and recommending "patience," "perseverance," etc. We see Capt. Jack, the harbinger of liberty, arrived four months too soon, take the back trail to the settlement on the frontier, where alone, in all America, the people dared talk openly of and declare their independence, if the concensus of the historians and Mr. Hoyt is to be believed.

Nay, the author shows to a moral certainty almost that the North Carolina delegation in Congress actually sent back to

the North Carolina committees by Jack a circular letter which Caswell had written just before Jack arrived dated, June 19, 1775, and signed by his colleagues and himself, in which they bade the North Carolinians

“look to the reigning monarch of Britain as your rightful and lawful sovereign: dare every danger and difficulty in support of his person, crown and dignity, and consider every man a Traitor to his King who infringing the rights of his American subjects attempts to invade those glorious principles which placed him on the Throne and must preserve him there.”

Copies of this paper were sent “to the western counties [of North Carolina] during the last week of June 1775, by a man who was going from Philadelphia to Mecklenburg County—in all probability Capt. Jack,” says Mr. Hoyt. Capt. Jack was “a man who was going from Philadelphia to Mecklenburg County” “during the last week of June, 1775,” and whether sent by him or another Caswell’s circular letter would have reached Mecklenburg about the time Jack returned there.

We see Jack return to the Mecklenburg Committee with these discouraging messages and we note the effect in Alexander’s terse tragic note :

“We were PREMATURE [premature underscored in the original]. Congress never had our laws on their table for discussion, though sd copy was left with them by Capt. Jack.” [All the last sentence underscored from the word “on.”]

We read this pathetic story and we are coolly and critically asked, 131 years after by the closet critics, why, if these people declared their independence, May 20, 1775, they did such and such things inconsistent with such a declaration within a few months afterward. And on this conclusive argument we are told (because the May 31st Resolves have first to be used to bludgeon off the Declaration and then be disposed of in their turn), that a “temporary declaration” was indeed made and never recalled—a declaration “in

effect," "subject to a contingent limitation," which contingency never occurred to defeat it. We are asked to believe that the conduct of the Mecklenburgers, which was inconsistent with the unconditional declaration was in entire keeping and accord with the contingent paper, which differed from the other only in the particular that, by its terms, it might have been defeated, but never was.

To return. We see the committee modify their course somewhat to conform to the urgent wishes of the North Carolina delegates. The justices "continued to hold their quarterly sessions in Charlotte as usual," says Alexander, but they created another court presided over by a select body of the Committee Men, which took jurisdiction of all political offenses and offenders, the records of which were not kept in the court house. (The records that were kept in the court house were of petty cases and few in number.) We see some of the delegates to the Mecklenburg convention later signing the "Test Oath" in the provincial Congress at Hillsborough in order to align themselves with the policy adopted by the North Carolina Congress. We are told that these things prove the Mecklenburgers did not declare their independence May 20, 1775, but go to show that they did "virtually" declare independence May 31st, 1775, and were never again under control of the British Government.

In face of the chilly reception with which the Declaration met on all hands it would have been strange if it had not suffered some discount even among those who gave utterance to it in the ardor of the occasion. But in one faithful heart appreciation of the document and of the event never flagged. John McKnitt Alexander, the Secretary of the May 20 Convention, religiously preserved and cherished the records of it.

He made copies of the Declaration and proceedings from time to time. One copy he sent in 1787 to New York to Dr. Hugh Williamson, who was to write a history of North Caro-

lina. After his house was burned in 1800 and the original records with it, he jotted down his recollection of the events, including headings of the Declaration, in crude unfinished notes—mere running memoranda—without pretense at style or perfection. With homely, housewifely care he “sewed” this historical statement “up in a sheet of paper on which was written the Mecklenburg Declaration of Independence,” “stitching” them together. These he filed away with other valued literature treating of “liberty,” dating from 1774.

One copy of the Declaration he made in his own handwriting and deposited it with Gen. William R. Davie, the most eminent man in this section with whom, he assured himself and others, the document would be safe.

We hear of him from time to time, discoursing to his friends and neighbors on the merit and significance of their conduct in 1775. We find him instilling the story of its glory in the mind of his youthful grandson, James Wallis. We hear the boy declaim a piece with the Declaration for its theme at the Sugar Creek Academy Commencement, June 1, 1809, without any one to gainsay its truth. We see the declamation, asserting that the Mecklenburgers had “solemnly entered into and published a full and determined declaration of independence, renouncing forever all allegiance,” etc., published in the Raleigh *Minerva* of August 10, 1809, with none at that early date to challenge the accuracy of the statement when the truth concerning it must have been generally known.

We see the Mecklenburg Declaration accepted without question for another decade until 1819, after John McKnitt Alexander and other immediate actors had passed from the stage of affairs. We see the subject then revived in Washington in connection with the contention which broke out at the capital as to which colony and people first started the movement for independence. In response to the inquiry set on foot by Senator Nathaniel Macon, Dr. Joe McKnitt Alex-

ander, son of the old secretary, furnished his father's papers and Senator Macon sent them to the Raleigh *Register* for publication. In reply to doubts raised at this juncture the affidavit of eyewitnesses in testimony of the event were obtained and published establishing the fact of the convention and its proceedings and closing the mouth of criticism.

We see the controversy break out again in 1830, on the publication of Mr. Jefferson's works containing the correspondence between Mr. Adams and himself in 1819 on the subject. We see the Legislature of North Carolina take the matter up and appoint a committee through which it thoroughly investigated the facts and solemnly recorded its finding of the truth of the matter, once more closing the mouth of the doubters.

Later still we see the records of the Revolutionary period unearthed, bringing to light the contemporaneous testimony of the royal governor, Josiah Martin, denouncing the Mecklenburgers for "most traitorously declaring the entire dissolution" of the King's laws and government. And then we settle down to the conviction that the controversy is settled for all time.

Vain hope! We see the May 31st Resolves "dug out of the old files of papers printed in June, 1775, and used as a lever to overthrow the Declaration instead of being accepted as a corroborating circumstance. The latest contribution to this new phase of the controversy is the admirable and exhaustive work by Mr. Hoyt wherein he collates and assembles much of the original documentary evidence which has not heretofore been accessible to the public.

Looking calmly over the ground one is amazed at the persistent and inveterate animosity that has pursued the fame of the first stroke contributed to the blows that severed the bonds of the mother country in the movement for independence. Resented, ignored and suppressed, at first, as an un-

timely if not ill-bred place of gaucherie, the credit investing it by reason of the subsequent successful assertion of independence, which was by no means so popular a proposition while the result was in doubt, has been persistently disputed and combatted at every turn and whenever and wherever a peg has been found on which to hang a doubt.

In the chapters to follow the writer will attempt to demonstrate from the known facts of the controversy, undisputed and accepted by Mr. Hoyt and other anti-Mecklenburg writers, that the county did declare independence May 20, 1775, in the full and literal sense of the term. It will be shown how the controversy originally arose and how naturally and innocently the simple, honest records, made by John McKnitt Alexander from a sense of duty and modestly filed away for posterity, without thought of self or of personal advantage, were brought to light, were impeached as fabrications or forgeries by writers who yet dare not question the good faith of the old secretary; how again and again his testimony has been substantiated in the after-discovered evidences, extending over one hundred years, only to be met with the assumption that the Mecklenburgers and other contemporary witnesses believed they did something that they did not do.

A study will be made of the internal evidences of the May 31st Resolves to show that this paper could not have been framed and adopted by the popular convention which met in Mecklenburg in May 1775, and the May 20 Declaration will be shown by its internal evidences to be the paper that fits in every particular the character and temper of that meeting.

The implication of fabrication and forgery made by Jefferson and his friends in 1819, when the Mecklenburg Declaration was published, and later, in 1830, after Jefferson's works were published, will be shown to have been reckless and unthinking, in view of the fact that critics have agreed that every idea in Jefferson's Declaration had become hackneyed

by use and common expression among the people, and in view of the further fact that Jefferson himself said in reply to the charge that his paper lacked originality, "I did not consider it as any part of my charge to invent new ideas and to offer no sentiment which had never been expressed before."

It will be shown actually that Jefferson never penned in his draft of the national Declaration the phrases he most resented in the Mecklenburg Declaration as being his personal property; that the body of these phrases had appeared three separate times in the Journal of the Continental Congress before Jefferson was selected to write the Declaration; that they were embodied in the original resolution of independence introduced by Richard Henry Lee, June 7, 1776, nearly a month before Jefferson wrote the Declaration.

It will be shown that the absence of an original signed draft of the Mecklenburg Declaration is not peculiar or unprecedented, it being duplicated in these particulars by the national Declaration of which the original draft is not in existence; which was not signed, as originally written and proclaimed, by the members of Congress on the 4th of July, 1776, or by any of them, at that time, except John Hancock, the President of the Congress.

The alleged inconsistencies appearing in the conduct of some of the Mecklenburgers subsequent to their Declaration will be shown to have been quite natural, in the light of the history of the times and of their environments.

The precis left by John McKnitt Alexander in the rough notes and statements he made after the burning of the records in 1800 will be analytically examined to show the unstudied honesty displayed in the very mistakes as to the errors of detail which he commits without affecting the essential facts. The honesty of his statements will be demonstrated by the subsequently developed corroborating evidences concerning which he could have had no knowledge and with which he could have had no collusion.

The testimony of the eyewitnesses will be compared to show they agree on essential facts, and finally the matter will be summed up showing by positive contemporaneous record writings and oral testimony, corroborated by subsequent developments, the Declaration was made as claimed. And no fact will be cited for the purpose in view but those admitted by the enemies of the Declaration to be incontestably established as genuine.

CHAPTER II.

WHO FIRST SET THE BALL ROLLING ?

Great historical events are never appreciated or estimated so highly at the moment as at subsequent periods when the deed is seen through the perspective of years, clothed in the softening and exaggerating haze of mighty and, in the main, unexpected results flowing from them. Apparently it was not until 1818-19 that the greatness of the Revolutionary event loomed up so largely as to inspire among the members of Congress in Washington jealous contention as to which locality led off in the movement for independence, and the contest in its origin was apparently confined to Massachusetts and Virginia. But some one, probably Congressman Davidson, from the Mecklenburg district, made the claim for Mecklenburg that this county declared her independence in May, 1775, nearly thirteen months before the Congress declared independence for the colonies. The statement was received with surprise, and by none, possibly, with more surprise than by Nathaniel Macon, who then represented North Carolina in the upper house. Macon was a student at Princeton, 18 years old, at the beginning of the Revolution and left the university in 1777 to serve as a volunteer. It is not probable, therefore, that he was intimately familiar with the local political events which occurred on the frontier of his native colony during these years.

When the gossip arose in Washington Senator Macon set on foot an inquiry into the facts of the Mecklenburg Declaration and through Gen. Joseph Graham and Congressman Davidson received from Dr. Joseph McKnitt Alexander, the son of John McKnitt Alexander, a full account of "the

event," which Dr. Alexander said he had "copied from papers left by his father." This statement, which included the May 20th Declaration, Senator Macon sent to the Raleigh, N. C. *Register* for publication and it appeared in *The Register* Friday, April 30, 1819.

"Joe McKnitt" related at length how the Mecklenburgers in the spring of 1775 had called a convention to be composed of two delegates from each company to meet May 19 to devise means for the assistance of the "suffering" people of Boston and "to extricate themselves from the impending storm;" that "official news, by express, arrived of the Battle of Lexington that day of the preceding month" while the meeting was being held, and that under the influence of the news the meeting proceeded unanimously to make the following declaration:

1. Resolved, That whosoever directly or indirectly abetted, or in any way, form or manner countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country,—to America—and to the inherent and inalienable rights of man.

2. Resolved, That we, the citizens of Mecklenburg County, do hereby dissolve the political bands which have connected us to the Mother Country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract or association with that Nation, who have wantonly trampled on our rights and liberties—and inhumanly shed the innocent blood of American patriots at Lexington.

3. Resolved, That we do hereby declare ourselves a free and independent People, are and of right ought to be, a sovereign and self-governing Association, under the control of no power other than that of our God and the General Government of the Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual cooperation, our lives, our fortunes, and our most sacred honor.

4. Resolved, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this County, We do hereby ordain and adopt, as a rule of life, all, each and every of our former laws,—wherein, nevertheless, the Crown of Great Britain never can be considered as holding rights, privileges, immunities or authority therein.

5. Resolved, That it is also further decreed, that all, each and every military officer in this county is hereby reinstated to his former command and authority, he acting conformably to these regulations. And that every member present of this delegation shall henceforth be a civil officer, viz: a Justice of the Peace, in the character of a "Committee man," to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, and union, and harmony in said County,—and to use every exertion to spread the love of the country and fire of freedom throughout America, until a more general and organized government be established in this province.

"A number of bye-laws were also added * * * to regulate their general conduct as citizens," and "after sitting in the Court house all night" they were passed unanimously May 20, and "in a few days a deputation of the delegation convened when Capt. Jack, of Charlotte, was deputed as express to the Congress * * * with a copy of said Resolves and Proceedings," etc.

Macon followed the matter up and obtained the testimony of Capt. Jack that he had carried the Declaration to the Continental Congress, and the testimony of other well known citizens that they had witnessed the event, and so overwhelming and conclusive was the evidence produced that incredulity was silenced if not convinced.

"The name of the Cato of North Carolina, the honest, hoary-headed, stern, determined republican, Macon strikes me with great force," said John Adams when later he saw the statement of the editor of *The Raleigh Register* as to "the causes that led to the exhuming and publication of the resolutions" and the personality of the man who was behind the publication.

And, in fact, Nathaniel Macon was the last man either to practice deception or to be made the victim of it. His entire career proves him to have been a singularly practical and honest man. Thomas H. Benton said of him: "He spoke more sense while getting in his chair and getting out of it than many delivered in long and elaborate speeches." De-

scribing Macon's death bed, Benton said it was that "of Socrates, all but the hemlock." And the brilliant John Randolph, of Roanoke, said of Macon in his will: "He is the wisest, purest, and the best man that I ever knew." This is an almost perfect antithesis of Pope's characterization of Bacon, "the wisest, brightest, meanest of mankind."

The statement of Dr. Joseph McKnitt Alexander was copied from *The Raleigh Register* by the *Essex Register*, published in Salem, Mass., and came under the notice of John Adams. Mr. Adams sent a copy of the paper to Thomas Jefferson with a letter commenting on it, and here occurred the correspondence between Adams and Jefferson, which doubtless has been responsible for keeping the controversy alive until this day.

Mr. Adams was distinctly pleased at the Mecklenburg find. He had been the "Colossus" of debate in the advocacy of independence in 1776, but Jefferson, by reason of being the draftsman of the Declaration, had become identified with the event as none other had. A long period of bitter political rivalry had intervened between the two men. Both had filled the office of President and in their old age and retirement they had recemented their early friendship.

But both were very human as the history of this correspondence illustrates and Mr. Adams was inclined to be exaggeratedly enthusiastic about the Mecklenburg Declaration, fine paper that it was. "Let the galled jade wince, our withers are unwrung." He wrote to Jefferson:

"What a poor, ignorant, malicious, short-sighted, Crapulous Mass Tom Pain's Common Sense, in comparison with this paper? Had I known it I would have commented upon it from the day you entered Congress till the Fourth of July, 1776. The genuine sense of America at that moment was never so well expressed before nor since."

Before he received a reply from Jefferson to this letter he wrote to another correspondent:

"I was struck with so much astonishment on reading this document that I could not help inclosing it immediately to Mr. Jefferson, who must have seen it, in the time of it, for he has copied the spirit, the sense and the expressions of it verbatim into his Declaration of the 4th of July, 1776. * * * That paper must be more universally made known to the present and future generation."

Mr. Jefferson was even more disturbed than Mr. Adams was tickled over the production of the Mecklenburg Declaration, and under date of "Monticello, July 9, 1819, he wrote Mr. Adams the following heated and spicy but eminently inaccurate and unjust letter:

* * * * *

"But what has attracted my peculiar notice, is the paper from Mecklenburg County, of North Carolina, published in the *Essex Register*, which you were so kind as to enclose in your last, of June the 22nd. And you seem to think it genuine. I believe it spurious. I deem it to be a very unjustifiable quiz, like that of the volcano, so minutely related to us as having broken out in North Carolina, some half dozen years ago, in that part of the country, and perhaps in that very county of Mecklenburg, for I do not remember its precise locality. If this paper be really taken from *The Raleigh Register*, as quoted, I wonder it should have escaped Richie, who culls what is good from every paper, as the been from every flower; and *The National Intelligencer*, too, which is edited by a North Carolinian; and that the fire should blaze out all at once in Essex, one thousand miles from where the spark is said to have fallen. But if really taken from *The Raleigh Register*, who is the narrator, and is the name subscribed real, or is it as fictitious as the paper itself? It appeals, too, to an original book, which is burnt, to Mr. Alexander, who is dead, to a joint letter from Caswell, Hewes, and Hooper all dead, to a copy sent to the dead Caswell, and another sent to Doctor Williamson, now probably dead, whose memory did not recollect, in the history he has written of North Carolina, this gigantic step of its county of Mecklenburg. Henry, too, is silent in his history of Marion, whose scene of action was the country bordering on Mecklenburg. Ramsay, Marshall, Jones, Girardin, Wirt, historians of the adjacent States, all silent. When Mr. Henry's resolutions, far short of independence, flew like lightning through every paper, and kindled both sides of the Atlantic this flaming declaration of the same date, of the independent North Carolina, absolving it from the British allegiance, and abjuring all political connection with that nation, although sent to Congress, too, is never heard of. It is not known even a twelve-months after, when a similar proposition is first made in that body. Armed

with this bold example, would not you have addressed our timid brethren in peals of thunder, on their tardy fears? Would not every advocate of independence have rung the glories of Mecklenburg County, in North Carolina, in the ears of the doubting Dickinson and others, who hung so heavily on us? Yet the example of independent Mecklenburg County, in North Carolina, was never once quoted. The paper speaks, too, of the continued exertions of their delegation (Caswell, Hooper, Hewes) "in the cause of liberty and independence." Now, you remember as well as I do, that we had not a greater Tory in Congress than Hooper; that Hewes was very wavering, sometimes firm, sometimes feeble, according as the day was clear or cloudy; that Caswell, indeed, was a good Whig, and kept these gentlemen to the notch, while he was present; but that he left us soon, and their line of conduct became then uncertain until Penn came, who fixed Hewes and the vote of the State. I must not be understood as suggesting any doubtfulness in the State of North Carolina. No State was more fixed or forward. Nor do I affirm positively that this paper is a fabrication, because the proof of a negative can only be presumptive. But I shall believe it such until positive and solemn proof of its authenticity shall be produced. And if the name of McKnitt be real, and not a part of the fabrication, it needs a vindication by the production of such proof. For the present, I must be an unbeliever in the apocryphal gospel."

* * * * *

TH. JEFFERSON.

"Jefferson showed unworthy pique in defending the originality of his immortal document as far as the 'apocryphal' paper of Mecklenburg was concerned," says Mr. Hoyt, "but his letter contained facts and arguments which have never been shaken by testimony since discovered."

Let us see what are the "facts and arguments" in Mr. Jefferson's letter that Mr. Hoyt says are "unshaken."

Was it true that the volcano hoax was located in Mecklenburg?

It was reported as having broken out at Warm Springs in Buncombe County, N. C., equally distant from Mecklenburg and from Monticello.

Was it true, as Mr. Jefferson suggested, that the paper was not printed in *The Raleigh Register*, and that "Joe McKnitt" Alexander, who signed it, was a fictitious person?

It did appeal "to an original book which" was "burnt:"

“to Mr. Alexander,” who had made the record; “to a joint letter from Caswell, Hewes and Hooper all dead,” but whose letter is not in dispute.

It did not appeal “to a copy sent to the dead Caswell,” but to a copy sent to the then living Davie, which was found among Gen. Davie’s papers after his death.

It appealed to another copy sent to Doctor Hugh Williamson who was writing a history which was never perfected covering the year in question.

“Although sent to Congress it was never heard of.” By whose fault, since Congress would not entertain it?

“Armed with the bold example, would not you have addressed our timid brethren in peals of thunder on their tardy fears?”

This from a man who on the 26th day of June, 1775, three days after Capt. Jack appeared in Philadelphia, was appointed to draft * a declaration of causes for the Americans taking up arms to be read at the head of the army by General Washington and who wrote in that draft:

“But that this our declaration may not disquiet the minds of our fellow subjects in any parts of the empire, we do further assure them that we mean not in any wise to affect that union with them in which we have so long and so happily lived and which we wish so much to see again restored. That necessity must be hard indeed which may force upon us this desperate measure, or induce us to avail ourselves of any aid their enemies might proffer.”

And Jefferson’s letter was written to a man who, with himself, on July 8, 1775, signed “our humble petition” to “your

* Jefferson, with Dickinson, was on June 26, 1775, added to the committee appointed to draft a declaration on taking arms, to be read to the troops by the commander-in-chief. John Rutledge had made a draft, which was rejected on June 24, and no copy of it was presented. “Jefferson was desired to prepare a draft, but the result was not satisfactory either to Dickinson or to William Livingston. The former criticised it for its harshness, and the latter for its much fault-finding and declamation, with little sense or dignity.”—Autobiography, in Writings (Ford), I, 16. Jefferson’s draft was laid aside, and the task was committed to Dickinson of drawing a satisfactory one. He prepared a new statement in which, however, he retained the passage quoted from Jefferson’s draft. Jefferson’s draft is printed in Journals of the Continental Congress (Ford), II, 123.

majesty," representing that "your majesty's ministers * * * have engaged us in a controversy so peculiarly abhorrent to the affections of your still faithful colonists, that when we consider whom we must oppose in this contest * * * our own particular misfortunes are accounted by us only as parts of our distress," and "solemnly" assuring "your majesty that we do most ardently desire the former harmony between her and these colonies may be restored * * * and the apprehension that now oppress our hearts with unspeakable grief being once removed, your majesty will find your faithful subjects on this continent ready, at all times as they have ever been, with their lives and their fortunes, to assert and maintain the rights and interests of your majesty, and of our mother country."

"Would not every advocate of independence have sung the glories of Mecklenburg County, in North Carolina, in the ears of the doubting Dickinson and others who hung so heavily upon us?" Mr. Jefferson asks.

There were no advocates * of independence in May, 1775.

*— "The denial that independence was the final object, was constant and general. To obtain concessions and to preserve the connection with England was affirmed everywhere, and John Adams, after the peace, went farther than this, for he said: "There was not a moment during the Revolution, when I would not have given everything I possessed for a restoration of the state of things before the contest began, provided we could have had a sufficient security for its continuance. . . . Franklin's testimony a few days before the affair at Lexington was, that he had 'more than once traveled almost from one end of the continent to the other, and kept a variety of company, eating, drinking, and conversing with them freely, [and] never had heard from any person, drunk or sober, the least expression of a wish for a separation, or a hint that such a thing would be advantageous to America. Mr. Jay is quite as explicit. 'During the course of my life,' said he, 'and until the second petition of Congress in 1775, I never did hear an American of any class or description, express a wish for the independence of the colonies. It has always been, and still is, my opinion and belief, that our country was prompted and impelled to independence by necessity and not by choice.' Mr. Jefferson affirmed, 'What, eastward of New York, might have been the disposition towards England before the commencement of hostilities, I know not; but before that I never heard a whisper of a disposition to separate from Great Britain; AND AFTER THAT ITS POSSIBILITY WAS CONTEMPLATED WITH AFFLICTION BY ALL.'"—L. Sabine. *Biographical Sketches of Loyalists of the Am. Rev.*, v. I. pp. 64-66. As Mr. Sabine justly observes, "the only way to dispose of testimony like this is to impeach the persons who have given it."

The universal plea was for reconciliation with the mother country on constitutional principles. If any suggested independence he was promptly suppressed, as Mecklenburg's declaration was suppressed.

When the Transylvanians in Tennessee, then a part of North Carolina, set up a government for themselves distinctly acknowledging "their allegiance to their sovereign," whom "they will support at the risk of their lives," and James Hogg, their agent had an interview with Samuel and John Adams October 24, 1775, the Adamses told Hogg:

"We have petitioned and addressed the King, and have entreated him to point out some mode of accommodation. There seems to be an impropriety in embarrassing our reconciliation with any thing new; and the taking under our protection of a body of people who have acted in defiance of the King's proclamations, will be looked on as a confirmation of that independent spirit with which we are daily reproached."

In 1776, Washington wrote: "When I took command of the army, I abhorred the idea of independence."

"Even he (Adams) and Jefferson," Mr. Hoyt admits, "still desired reconciliation with Great Britain in May, 1775, and few men then dared to openly advocate independence."

"The paper speaks, too, of the continued exertions of their delegation (Caswell, Hooper, Hewes) 'in the cause of liberty.' "

"The paper" did not speak of "Caswell, Hooper, Hewes," in this connection. It referred to the "delegation" in the Mecklenburg County convention, not to the "delegation" in congress.

Hooper was not a "Tory" as Mr. Jefferson stated, and the only "fact and argument" in the venerable Ex-President's letter that remains "unshaken" is, that "No State was more fixed or forward" than North Carolina, a circumstance he found it impossible to overlook in view of the fact that the North Carolina Congress at Halifax, April 12, 1776, led off

with the first recommendation from a provincial congress to the Continental Congress to declare independence and "empowered" the "delegates for this colony" in the Continental Congress to "concur with the delegates of the other colonies in declaring independency."

Mr. Jefferson's letter to Mr. Adams was not made public in 1819, when it was written, and only became known in 1829 when the first volume of Jefferson's works were published. In the meantime the Mecklenburgers and their friends, having established the truth of the May 20 Declaration to the satisfaction apparently of every one, let the matter rest. After the appearance of Jefferson's letter the North Carolina Legislature took the matter up, investigated it through a committee, obtained and put on record much direct testimony concerning it and gave its legislative seal to the assertion "that there is no one event of the Revolution which has been or can be more fully or clearly authenticated." The matter again became quiescent until the discovery of Governor Josiah Martin's contemporaneous proclamation and dispatches and finally of the May 31st Resolves, which Mr. Hoyt and others hold to be the "true Declaration."

CHAPTER III.

INTERNAL EVIDENCES OF THE MAY 31ST RESOLVES.

In determining what the Mecklenburgers did in May, 1775, it is important to learn what they started out to do. Fortunately there is no dispute concerning the essential facts, and when these are understood the rest is readily made clear. The passage of the Boston Port Bill, removing the capital of Massachusetts from that city to Salem and closing the port of Boston to the commerce of the world, with some other intolerable measures, had stirred up the colonies from Maine to Georgia, and had given birth to the patriotic meetings which were held by the Mecklenburgers in the winter of 1774 and Spring of 1775. Relief of Boston was the original incentive, and many bullocks were subscribed and 100 head would have been given John McKnitt Alexander tells us, in his invaluable historical statement, had not news been received of the relief of the Massachusetts metropolis before means had been devised of driving them to that city. In the Spring of 1775 several informal meetings were held and finally in the early part of May a call was issued for a convention of the people to be held on the 19th of that month.

The person to whom the duty of issuing this call fell, in the absence of a committee of correspondence or safety, which evidently had not yet been formed in the county, was Tom Polk, Colonel commandant of the militia of the county. Tom Polk was a man of marked individuality and the executive leader of the Mecklenburg people in this period. The fact that he was their leader goes far to explain the audacity of their conduct.

“The original name of the ancestors of the Polks of Mecklenburg was Muirhead,” says Lyman Draper, in his manuscript sketches of the delegates to the Mecklenburg convention, preserved in the Thwait Library at Madison, Wis. It was first changed to Pulloak, then to Pollock, and finally to Polk. The tradition in the Polk family, as related by Mr. Draper, is that “on a certain great occasion, away back in the misty past, a King of Scotland was marching at the head of an immense procession, when a small oak shrub appeared directly in front of his Majesty, to which one of the King’s attendants, by the name of Muirhead, a man of great physical strength, sprang forward, and with a herculean effort tore it up by the roots and bore it out of the way. Such an act of gallantry prompted the King to order a halt, when he knighted Muirhead upon the spot, and changed his name to Pulloak—pull-oak.” The story doubtless is a fable, but it furnishes the key to the predominant characteristics of the Polks, and these characteristics were fully developed in Tom Polk, of Mecklenburg, who never did things by halves. Several years before the beginning of the Revolution he, with the Alexanders and others, had held up the King’s surveyor, who was making a resurvey of their lands, and forced him to desist. He was the most influential citizen of Mecklenburg and was selected to read the Declaration to the people from the court-house steps for their ratification of it after it was framed. In November and December 1775, in the “Snow Campaign”, Col. Polk led 300 North Carolinians against the Tories, who had Gen. Andrew Williamson, of South Carolina, besieged in the stockade at Ninety-Six. He aided in defeating the Tories and received the thanks of Col. Richardson, the South Carolina commander, and the South Carolina Council of Safety with the assurance that “the service of those good neighbors would ever be held in grateful remembrance.” Col. Polk acted as commissary general of supplies to Gen.

Gates and later to Gen. Greene, when they were in North Carolina. During Cornwallis' occupancy of Charlotte the British commander-in-chief occupied Polk's residence as his headquarters. Gen. Polk in reporting the battle of King's Mountain to the North Carolina Board of War, in 1780, added: "In a few days doubt not we shall be in Charlotte, and I will take possession of my house and his lordship take the woods." Dr. J. G. Ramsey, the historian of Tennessee, said of Tom Polk: "He was a high-souled cavalier, full of dash and courage; rich, hospitable and charming."

Such was the man who issued the call for the Mecklenburg convention to be composed of two delegates from each company, "cloathed with ample powers" to legislate for the county.

The reputed author of the Mecklenburg Declaration or of the chief paper adopted by the Convention is Dr. Ephraim Brevard. His authorship of the paper is one of the undisputed facts of the controversy.

Dr. Brevard, in 1775, was 31 years old. After attending grammar school as a boy he entered Princeton in 1766, and stayed there two years, graduating in 1768. He studied for the medical profession in Philadelphia for a time and later under the tuition of the celebrated Dr. David Ramsay and others. After he finished his course he practiced his profession in Charlotte. "He entered the Southern army as a surgeon," says Mr. Draper, "and was captured at the surrender of Charleston in May, 1780." The long confinement and deprivation implanted the seeds of a fatal disease in his system and he returned home to die in 1781, after a lingering illness, at the age of 37. Dr. Foote says of Dr. Brevard: "He thought clearly, felt deeply, wrote well, resisted bravely, and died a martyr to that liberty none loved better and few understood so well." But his chief fame rests upon his authorship of the paper drafted and published by the May, 1775, mass meeting of the people of Mecklenburg.

That paper, say the Mecklenburgers, was the May 20 Declaration of Independence.

Wrong, say their opponents. That paper was the May 31 Resolves.

Here, then, is a fact of vital importance :

Dr. Ephraim Brevard did not write the May 31st Resolves. That paper was written by a lawyer. It was not only written by a lawyer, learned in the theory of law, but it was written by a lawyer skilled in the practice of the law. From first to last it is a legal paper, drawn in legal phraseology, and guaging with professional nicety and accuracy legal deductions covering the entire scope and philosophy of constitutional government and descending into the minutest details of administration of the laws by popularly constituted officials. Barring the preamble, the first three and the last three resolves, the May 31st paper presents within the scope of fourteen short paragraphs or resolves, a perfect model of the civil codes and judicial systems that obtain today in the several States of the Union. Any lawyer familiar with the codes of civil procedure in force at this time in New York, North Carolina, South Carolina and Georgia, not to speak of other States, must recognize after a glance at these resolves that they contain in epitome the judicial system of inferior courts and courts of appeal, the procedure in actions on contract and for debt, all the technical complicated machinery of attachment liens and execution, of attachment for fraudulent and absconding debtors, and of replevin in cases of wrongful possession, adjusted with legal precision and nicety and in such simple and unerring language as gives in brief shape the nucleus of the cumbersome books practicing lawyers of today have to handle, but without the volumes of verbiage that have grown upon the framework of the practice. It is idle to suggest that any one not familiar with the practice could master and present the details of such a system.

The May 20 Declaration is a forcible, direct, eloquent product, struck off in the fervor of patriotic passion and enthusiasm. With some defects of tautology common to it and the draft of the National Declaration of Independence as it left the hands of Mr. Jefferson, it is almost equal to the praise Mr. Adams accorded it when it first met his eyes. But the May 31st Resolves is a far more remarkable paper than the May 20 Declaration, just as a delicate and complicated piece of machinery in operation is more remarkable than the glowing forge, though both are set in motion by the same impelling power.

The writer has been surprised at the neglect and superficial treatment given the May 31 Resolves, not only by some of the defenders of the Mecklenburg Declaration, who have strangely deemed it incumbent on them to pay the paper scant respect, but by those who maintain that it is the genuine paper, as well. A reason for this can be more readily conceived with regard to the opponents than in respect to the friends of the Declaration, since the office of the May 31st Resolves as a corollary of the May 20 Declaration is so patent and necessary.

Mr. Hoyt presents the May 31 Resolves as "The True 'Declaration,'" discusses the circumstance of their contemporaneous publication as proof of this fact, in conformity with his assumption that there was only one meeting and one paper adopted in May, 1775, by the Mecklenburgers, and dismisses it as "a virtual declaration of independence," and "easily mistaken" for such, but without once inquiring ever so slightly into the internal evidence of the paper.

It is said that given the joint of an antediluvian mastodon, the skilled zoologist of today will construct the entire skeleton of the animal. Given the popular meeting of the Mecklenburgers of May, 1775, the conditions of the time, with the May 31st Resolves, and Mr. Hoyt, by a small exertion of his

analytical powers, must have constructed the May 20 Declaration. In lieu of his services, let us take up the Resolves in detail and see what they disclose.

The date line is:

*“Charlotte-Town, Mecklenburg County,
May 31st, 1775.”*

Eleven days after the organization meeting the committee which did not exist before that meeting convened.

“This day the Committee of this County met and passed the following resolves:

The “Committee of this County!”

How came it the “Committee of this County?” Did it create and constitute itself? Who gave it its powers and when? Did it just meet, create itself and proceed to declare the county independent, “virtually,” or otherwise, or was it elected by the people and invested with its office and powers at a previous meeting?

The “Committee” could no more create itself, with such powers, among the Revolutionary people of Mecklenburg, as we shall presently come to know them, than one could lift himself by his boot straps.

Now what did the “Committee” do? Did it proceed to declare the county independent? No. The “Convention” had already done that on the 20th of the month, when it elected this “Committee” of Correspondence and Safety. The “Committee” was now to consider the relations of the county under its independent status to the province and the country at large, and also to carry out the behest of the Declaration by framing a system of county government. The Declaration of Independence was a local county affair, but in making it the “Convention” recognized and avowed its allegiance to the “General Government of Congress.” The members very well understood that by themselves they could not make their dec-

laration good and that Mecklenburg was dependent upon the sympathy and co-operation of their own province and the other colonies. The Declaration had already been denounced by some as a "rash" act and the "Committee" in its memorial to Congress on the subject, had to address itself to that body, with reasons which would appeal to it. Knowing, as it must have known, that the universal policy and sentiment of the country outside of Mecklenburg, in so far as it was openly expressed, was for reconciliation with Great Britain on constitutional principles. So at the very outset, it will be found that the attention of the "Committee" was directed to the situation of the country at large and not to the county at all. It did not undertake to declare independence for the American colonies, as Mr. Hoyt and others who claim the May 31st Resolves is the "True Declaration" must consistently argue, but the "Committee" proceeded to state the actual situation in the colonies as the members "conceived" it to be. Therefore, the "Committee" said, in its preamble:

"Whereas, by an Address presented to his Majesty by both Houses of Parliament, in February last, the American colonies are declared to be in a state of actual rebellion, we conceive, that all laws and commissions confirmed by or derived from the authority of the King or Parliament, are annulled and vacated, and the former civil constitution of these colonies, for the present, wholly suspended. To provide in some degree for the exigencies of this county, in the present alarming period, we deem it proper and necessary to pass the following Resolves, viz:

Now what were the "exigencies" peculiar to this county for which the "Committee" was called on to provide? Why, its state of independence as declared on the 20th of the month which the "Committee" in this paper quietly assumes is too well known for more specific allusion.

And so from this premise the "Committee" resolve:

"I. That all commissions, civil and military heretofore granted by the Crown, to be exercised in these colonies, are null and void, and the constitution of each particular colony wholly suspended.

"II. That the Provincial Congress of each Province, under the direction of the Great Continental Congress, is invested with all legislative and executive powers within their respective provinces; and that no other legislative or executive power, does or can exist at this time in any of these colonies.

"III. As all former laws are now suspended in this province, and the Congress have not yet provided others, we judge it necessary, for better preservation of good order, to form certain rules and regulations for the internal government of this county, until laws shall be provided for us by the Congress.

(The address displayed in the foregoing three resolves, with a view to reconciling the independent status of Mecklenburg with the actual situation in the country at large, is so very remarkable as to suggest in themselves the impelling motive underlying them.)

The thirteen resolves immediately following constitute the system of laws provided for in a general way in the May 20 Declaration. These resolves follow:

"IV. That the inhabitants of this county do meet on a certain day appointed by this COMMITTEE, and having formed themselves into nine companies, (to-wit) eight in the county, and one in the town of Charlotte, do chuse a Colonel and other military officers, who shall hold and exercise their several powers by virtue of this choice, and independent of the Crown of Great-Britain, and former Constitution of this province.

"V. That for the better preservation of the peace and administration of justice, each of those companies do chuse from their own body, two discreet freeholders, who shall be empowered, each by himself and singly to decide and determine all matters of controversy, arising within said company under the sum of twenty shillings; and jointly and together, all controversies under the sum of forty shillings; yet so as that their decisions may admit of appeal to the CONVENTION of the SELECT-MEN of the county; and also that any one of these men, shall have power to examine and commit to confinement persons accused of petit larceny.

"VI. That those two SELECT-MEN, thus chosen, do jointly and together chuse from the body of their particular company, two persons properly qualified to act as Constables, who may assist them in the execution of their office.

"VII. That upon the complaint of any persons to either of these SELECT-MEN, he do issue his warrant, directed to the Constable,

commanding him to bring the aggressor before him or them, to answer said complaint.

“VIII. That these EIGHTEEN, SELECT-MEN, thus appointed, do meet every third Thursday * in January, April, July, and October at the Court-House, in Charlotte, to hear and determine all matters of controversy, for sums exceeding forty shillings, also appeals; and in cases of felony, to commit the person or persons convicted thereof to close confinement, until the Provincial Congress shall provide and establish laws and modes of proceedings in all such cases.

“IX. That these EIGHTEEN, SELECT-MEN, thus convened, do chuse a Clerk, to record the transactions of said CONVENTION, and that said Clerk, upon the application of any person or persons aggrieved, do issue his warrant to one of the Constables of the company to which the offender belongs, directing said Constable to summons and warn said offender to appear before the CONVENTION, at their next sitting, to answer the aforesaid complaint.

“X. That any person making complaint upon oath, to the Clerk, or any member of the CONVENTION, that he has reason to suspect, that any person or persons indebted to him, in a sum above forty shillings, intended clandestinely to withdraw from the county, without paying such debt, the Clerk or such member shall issue his warrant to the Constable, commanding him to take said person or persons into safe custody, until the next sitting of the CONVENTION.

“XI. That when a debtor for a sum below forty shillings shall abscond and leave the county, the warrant granted as aforesaid, shall extend to any goods or chattels of said debtor, as may be found, and such goods or chattels be seized and held in custody by the Constable, for the space of thirty days; in which time, if the debtor fail to return and discharge the debt, the Constable shall return the warrant to one of the SELECT-MEN of the company, where the goods are found, who, shall issue orders to the Constable to sell such part of said goods, as shall amount to the sum dues. That when the debt exceeds forty shillings, the return shall be made to the CONVENTION, who shall issue orders for sale.

“XII. That all receivers and collectors of quit rents, public and county taxes, do pay the same into the hands of the CHAIRMAN OF THIS COMMITTEE, to be by them disbursed as the public exigencies may require; and that such receivers and collectors proceed no further in their office, until they be approved of by, and have given this COMMITTEE, good and sufficient security, for a faithful return of such monies when collected.

“XIII. That the COMMITTEE be accountable to the county for the application of all monies received from such public officers.

“XIV. That all these officers hold their commissions during the pleasure of their several constituents.

* This should be Tuesday. Probably a typographical error.

“XV. That this COMMITTEE will sustain all damages that ever hereafter may accrue to all or any of these officers thus appointed, and thus acting, on account of their obedience to these Resolves.

“XVI. That whatever person shall hereafter receive a commission from the Crown, or attempt to exercise any such commission heretofore received, shall be deemed an enemy to his country, and upon information being made to the Captain of the company in which he resides, the said Company shall cause him to be apprehended, and conveyed before the two SELECT-MEN of the said company, who, upon proof of the fact, shall commit him, the said offender, to safe custody until the next sitting of the COMMITTEE, who shall deal with him as prudence may direct.

“XVII. That any person refusing to yield obedience to the above Resolves, shall be considered equally criminal, and liable to the same punishment, as the offenders above last mentioned.”

There are a number of points about this paper which are self-evident.

It is a complete and masterly digest of a system of laws, expressed in law language, for the popular administration of justice, in conformity with this science as it was developed at that day, and as it is known at this day, with little or no improvement.

It contains the whole scheme of Mecklenburg's independent county government.

In drafting this paper, the "Committee" did not start out to declare the county independent, "in effect," or otherwise, but incidentally, in constituting the officers created, it referred to the county's independent status as an accomplished fact.

Throughout the code of laws laid down, the keynote of the "bill of rights," that all power is derived from the people, and public officials are servants of and responsible to the people, is predominant.

The paper is one that was never formulated and put forth by a popular meeting of the people, but was digested and perfected in the closet, with much time and labor.

In it all the checks and counter-checks, the respective functions and responsibilities of the various departments of gov-

ernment, under the republican form, are nicely balanced and adjusted, with technical accuracy.

The inhabitants are directed to meet, form themselves into nine companies, choose their military officers, who shall be "independent of the Crown of Great Britain," since the people have declared themselves independent.

Each company is to choose "two discreet freeholders," singly to decide matters of controversy under forty shillings, and jointly as to controversies over forty shillings, "yet so as may admit of appeal to the CONVENTION of Select-Men" composed of the whole body of "discreet freeholders" or "Select-Men" chosen by the companies.

The Select-Men are to choose their Constables.

The Select-Men have power to issue warrants upon complaint.

The eighteen Select-Men are directed to hold quarterly sessions to determine matters over forty shillings, appeals, and to commit to prison offenders in cases of felony.

The eighteen Select-Men are to choose a clerk "to record the transactions of said CONVENTION" and the power is given the clerk to issue his warrant summoning offenders "to appear before the CONVENTION."

Jurisdiction is given the "CONVENTION" in cases of absconding debtors, and all the technical details of seizure and holding goods and chattels and the disposition of them are accurately stated.

"That all receivers and collectors of quit-rents, public and county taxes, do pay the same into the hands of the Chairman of this COMMITTEE to be by them disbursed as the public exigencies require," etc.

"That the COMMITTEE be accountable to the county for the application of these monies."

"That all these officers hold their offices during the pleasure of their constituents."

“That this COMMITTEE will sustain all damages,” etc.

“That whatever person shall hereafter receive” or “attempt to exercise” a “commission from the Crown” * * “shall be deemed an enemy,” shall be apprehended by the company in which he resides “* * conveyed before the two SELECT-MEN of the company” and kept in safe custody “until the next sitting of the COMMITTEE, who shall deal with him as prudence may direct.”

Mr. Hoyt, in synopsising these “Resolves” says loosely “that a body of Select-Men having administrative and judicial powers called a convention or committee shall be elected by the people.”

This alone demonstrates how superficially Mr. Hoyt has read this remarkable paper, for we have seen how careful the “Committee” is to differentiate the two respective bodies and to assign to each its respective powers, duties and responsibilities. The “CONVENTION” is the whole body of the original delegates from the companies, called Select-Men. The delegates from each company, single and jointly, are given the powers of inferior magistrates. The entire eighteen sitting en banc at the quarterly sessions are vested with the jurisdiction of a Superior Court to hear and determine matters of controversy over forty shillings, and to entertain appeals and to try and punish persons charged with felony.

The “Committee” is not referred to after the executive act of appointing the day for the people to meet until the administrative and executive department of government, distinct from the judicial arm, is taken up. The “Convention” is not mentioned again after this point, but the “Chairman of the Committee” is to receive the public taxes, and these are to be disbursed by the “Committee,” which body is to be responsible to the people. Also, in political offenses, the offender who attempts to “exercise a commission from the Crown” or treat the “Resolves” with contumacy and disobe-

dience is brought before—not the “Convention,” to be dealt with under the civil laws which constitute that body’s jurisdiction—but before the “Committee” to be dealt with “as prudence may direct.”

In other words the “Committee,” in addition to its executive character as the head of the civil government, was an extra-judicial revolutionary tribunal that dealt with political offenders at this juncture as the public safety might dictate.

It is thus demonstrated that the “Committee” which ordered the May 31st Resolves signed, was a separate and distinct body from the “Convention” formed of the delegates of the people; that there was such a “Convention;” that the “Convention” must have created the “Committee,” doubtless from a smaller number of its body as Alexander says; that it must by some act have authorized the “Committee” to proceed to make “rules and regulations” for the independent government of the county, and this act could have been no less than the Declaration of Independence, into which Mr. Hoyt says, the Mecklenburgers “transfigured” the May 31st Resolves.

And now the question arises who was the author of the May 31st Resolves. Not Dr. Ephraim Brevard, who is the author, by common consent, of the May 20 Declaration. The May 31st Resolves were written by a practicing lawyer. Dr. Brevard was a physician and surgeon, and never practiced or even read law. Bancroft curiously enough, under these circumstances, adopts the view that Brevard wrote the “Resolves.” He says that Brevard’s name “should be remembered with honor by his countrymen,” for having “digested the system which was then adopted and formed, in effect a declaration of independence, as well as a complete system of government.”

If Dr. Brevard did not draft the May 31st Resolves, the question arises, who did draft them. The writer believes

there is no logical escape from the conclusion that this paper was drafted by Waightstill Avery.

In 1766, at the age of 23 years, Avery graduated at Princeton College, and remained there as a tutor for a year. He then removed to Maryland, where he studied law for about a year and a half. Early in 1769 he set out for North Carolina and selected Mecklenburg as his home. In 1775 he was 32 years old and had been practicing law in Mecklenburg for about six years. He appears at this period to have been the only resident lawyer in Mecklenburg. Avery was much of a politician and very active in the public affairs of the county. "He was a shrewd lawyer," says Prof. F. M. Hubbard, "whose integrity, no less than his deliberate wisdom, made his counsels weighty." He represented Mecklenburg in the provincial House of Commons in 1777 and "served on the committee to revise the whole body of the public laws of the State," says Draper. "On the 12th of January, 1778, he was commissioned Attorney General of the State."

Certainly here was the one man* in Mecklenburg in 1775 qualified to draft the May 31st Resolves, as his professional character and subsequent appointments testify. There was another lawyer present in the May 19-20 Convention, Col. William Kennon, but he was a Virginian, in Charlotte on professional business, probably, and he scarcely tarried long enough or entered so deeply into the county's affairs as to digest a code of laws for her people. Kennon was one of the speakers in the convention and Gen. Joseph Graham, who was present as a boy, in his testimony given fifty-five years

*The Mecklenburg Censor makes Waightstill Avery say :

" My learning too, you know is great,
 In all the tricks and wiles of state.
 Able I am from any block,
 To hew a police or crock;
 And any law can quickly make,
 To hang a man or whip a snake;
 To fix your right in land or pin
 Or castigate you when you sin."

after, says that he was one of the sub-committee of three which, with Dr. Brevard as chairman, retired to draft the May 20 Declaration, a service which as a visitor he could very readily have performed.

There is a feature of the May 31st Resolves which is significant of a motive in its draftsman. This is the skilful qualification of the state of independence in such a way as to continue the judicial system of the county as a part of the courts of the province and subject to the authority of the General Congress. Lawyer Avery was dependent upon his practice in these courts and it is conceivable that he might elect to so frame Mecklenburg's independent system of government as not to throw her out of joint with the general judicial system at the sacrifice of his professional business.

To this motive may have been due the diplomatic tenor of the preamble and the wording of the eighteenth resolve:

"XVIII. That these Resolves be in full force and virtue, until instructions from the Provincial Congress, regulating the jurisprudence of the province, shall provide otherwise, or the legislative body of Great Britain, resign its unjust and arbitrary pretensions with respect to America."

There remains two more of the May 31st Resolves which follow:

"XIX. That the eight militia companies in the county, provide themselves with proper arms and accoutrements, and hold themselves in readiness to execute the commands and directions of the General Congress of this Province and this COMMITTEE."

"XX. That the COMMITTEE appoint Col. Thomas Polk, and Doctor Joseph Kennedy, to purchase 300 lb. of powder, 600 lb. of lead, 1,000 flints, for the use of this county and deposit the same in such place as the COMMITTEE hereafter may direct."

"Signed by order of the COMMITTEE."

EPH. BREVARD, Clerk of the Committee."

It will be seen that in these later Resolves as in the earlier ones the "Committee" consistently assigns to itself every act of an executive character as distinct from the "Convention" which is confined to its functions as a judicial and representative body.

CHAPTER IV.

QUESTION OF PLAGIARISM.

Richard Henry Lee was the author of the National Declaration of Independence; independence was resolved on July 2, 1776; the Declaration was not signed by the members of Congress, or any of them, on the 4th of July, as stated by Mr. Jefferson in his account of it, but it was generally signed by the members, though not by all of them, on August 2.

The first colony to officially authorize its delegates to concur in a declaration of independence was North Carolina. The fourth "to pronounce for independence was Virginia," says Elson, "which went farther than the others by instructing its delegates to propose independence to the Continental Congress. This bold resolution was sent by special messenger to Philadelphia."

Under the instructions of the Virginia Assembly, on the 7th of June, 1776, Richard Henry Lee moved the following resolution in Congress contained in the Virginia instructions:

"Resolved, That these united colonies *are, and of right ought to be, free and independent States*, that they are *absolved* from all *allegiance to the British Crown*, and that all *political connection between them and the State of Great Britain is, and ought to be, totally dissolved.*"

"This resolution, in the writing of Richard Henry Lee, is in the papers of the Continental Congress, No. 23, folio 11." (Ford, ed.)

It is in this resolution chiefly that are found the phrases similar to some in the Mecklenburg Declaration, which latter Mr. Jefferson took exception to as forgeries or plagiarisms from his paper. The second and third resolves of the Mecklenburg Declaration read:

"2. Resolved, That we the citizens of Mecklenburg County do hereby *dissolve* the political bands which have connected us to the Mother Country, and hereby *absolve ourselves from all allegiance* to the *British Crown*, and *abjure all political connection*, contract or association with that nation, who have wantonly trampled on our rights and liberties—and inhumanly shed the innocent blood of American patriots at Lexington.

"3. Resolved, That we do hereby declare ourselves a *free and independent* People, *are and of right ought to be*, a sovereign and self-governing Association, under the control of no power other than that of our God and the General Government of the Congress; to the maintenance of which independence, we solemnly *pledge to each other* our mutual cooperation, *our lives, our fortunes, and our most sacred honor.*"

The words which appear in both Richard Henry Lee's resolution and the Mecklenburg Declaration are printed in italic. The phrase "*We * pledge to each other our * * * lives, our fortunes and our * sacred honour*" is similar to the closing words of Jefferson's paper, written by Jefferson himself.

Richard Henry Lee's resolution was debated from day to day, but action on it was postponed for three weeks. "In the meanwhile, that no time be lost, in case the Congress agree thereto" a committee was selected "to consider draft of a declaration of independence, or the form of announcing it to the world." Tuesday, June 11, the committee was appointed and, in the absence of Richard Henry Lee, who by parliamentary usage would have been its chairman, but who had been called home by the illness of his wife, Mr. Jefferson was selected chairman of the committee and became draftsman of the declaration, or of the paper setting forth the causes for the action. Mr. Jefferson's draft was brought in and read June 28 and ordered to lie on the table. The concluding clause of the paper as written by Mr. Jefferson follows:

"We, therefore, the Representatives of the United States of America, in General Congress assembled, do in the Name, and by the authority of the good People of these States, reject and renounce all Allegiance and

Subjection to the Kings of Great Britain, and all others, who may hereafter claim by, through or under them; we utterly dissolve and break off all political Connection which may have heretofore subsisted between us and the People or Parliament of Great Britain, and, finally, we do assert and declare these Colonies to be free and independent States and that as free and independent States they shall hereafter have Power to Levy War, Conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which independent States may of Right do. And for the support of this Declaration, we mutually pledge to each other our Lives, our Fortunes and our Sacred Honour."

"There was no copy of the Declaration made for printer's copy. The corrected copy in the hands of Secretary Thompson at the close of the session July 4 went to the official printer, John Dunlap, and was used by him as copy," says Michael, in his "Story of the Declaration of Independence Illustrated." In the fac simile of this original draft used for printer's copy, in the margin, opposite the operative words as written by Jefferson, is written the words "a different phraseology inserted," and in the first broadside of the Declaration as printed and as it is now known, the Lee resolution was bodily inserted, making the concluding clause read as follows:

"We therefore, the Representatives of the United States of America in General Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the Name and by the Authority of the Good People of these Colonies solemnly Publish and Declare, *That these United Colonies are, and of Right, ought to be free and independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connexion between them and the State of Great Britain, is and ought to be totally dissolved;* and that, as free and independent States, they have full Power to levy War, conclude Peace contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our Sacred Honour."

Thus it will be seen that in the end Richard Henry Lee's resolution was used as the operative words of the Declaration of Independence and that it contained the phrases that Mr.

Jefferson believed the Mecklenburg paper plagiarized from him. After the lapse of forty-odd years not only Mr. Jefferson accepted Richard Henry Lee's resolution as his own, but John Adams, who had debated this resolution almost daily for three weeks before Mr. Jefferson's draft of the Declaration was read, when he saw similar words in the Mecklenburg paper, jumped to the conclusion that Mr. Jefferson had "copied the spirit, the sense, and the expressions of it verbatim into his Declaration of the 4th of July, 1776." Of course, Mr. Jefferson did not copy from the Mecklenburg Declaration, nor did he even copy from Richard Henry Lee's resolution, with which he was familiar at the time of writing the Declaration. The substitution of the words of the resolution, which were in every way more forcible and better rounded than Jefferson's language at this point, was doubtless the work of John Adams himself, or of Dr. Franklin, as the handwriting of both of these members is in evidence throughout the rough draft of the Declaration, pruning down and materially improving the paper as it left Mr. Jefferson's hands.

Congress entered on the direct consideration of the question of independence July 1 with Richard Henry Lee's resolution before it. John Adams, writing to Samuel Chase July 1, 1776, said the "debate took up most of the day, but it was an idle mispense of time, for nothing was said but what had been repeated and hackneyed in that room before a hundred times for six months past. In the Committee of the Whole, the question was carried in the affirmative, and reported to the House. A colony desired it to be postponed until tomorrow, when it will pass by a great majority, perhaps with almost unanimity. Yet I cannot promise this, because one or two gentlemen may possibly be found who will vote point blank against the known and declared sense of their constituents."

The vote on Lee's resolution was taken July 2 and it was carried by a big majority but not unanimously.

Elson says on the afternoon of the 2d the resolution was passed by the unanimous vote of twelve colonies, New York not voting. This is an error, as South Carolina and Pennsylvania voted against the resolution. On the 3d South Carolina concurred for the sake of unanimity and on the 4th of July the Declaration was agreed to by twelve colonies and printed with the Lee resolution as its operative words.

This still leaves the question open, however, as to how similar phrases occurred in Lee's resolutions, offered in Congress June 7, 1776, and in the Mecklenburg paper of May 20, 1775. From the limited research the writer has made along this line he believes it will be easy to show that these phrases and others in the Mecklenburg paper and in Mr. Jefferson's Declaration were common among the people at the time. One fact must not be glossed over, in the interest of truth, and it is that while the public policy of the time tabooed the suggestion of independence, independence was nevertheless the private talk and sense of many people. Popular phrases aptly expressing the sense of these people would naturally be coined and repeated from mouth to mouth without any thought of private ownership. One of Richard Henry Lee's biographers says he had openly advocated independence for over a year before introducing the Virginia resolution in Congress. Where did he get the words of that resolution, or when did he originate them? Did he originate them? Did he ever claim that he originated them? Jefferson obviously thought in 1819 that he originated them, but he did not. It was probably a popular phrase of the time. Brevard used it without quotation marks in his "Instructions," 1776, for the second time.

It is not probable that Jefferson saw the Mecklenburg Declaration when Captain Jack was in Philadelphia in

June, 1775. Jefferson was a new member and had just taken his seat in the Continental Congress on June 21, about the same day Jack arrived there. Richard Henry Lee had been a member—and an active one—coming over from the first Congress. Did he see the Mecklenburg papers? Possibly. It is more probable, however, that the phrase “That these United Colonies are, and of right ought to be, free and independent States,” etc., was a product from the popular expression of the people. It has throughout the roundness, the smoothness, the pointedness, the conciseness and the completeness of a sentence which has been reduced by attrition and much usage to its perfections of sense and shape. Possibly it had been coined in Virginia. Possibly Patrick Henry may have said something like it in that famous speech for liberty in old St. John’s church in Richmond March 25, 1775, and Wirt may have overlooked it in gathering up the speech in after years.

Possibly Col. William Kennon, “Gentleman,” of Henrico County, Va., of which Richmond is the seat, had heard these phrases in Virginia and gave them as his contribution to the Mecklenburg Declaration, which he helped Ephraim Brevard to frame, having on his visit to Mecklenburg incidentally attended the convention and participated in its proceedings.

For whatever may be the explanation of the coincidences of the National and Mecklenburg Declarations conscious forgery or plagiarism is not entertained and is not to be entertained. Certainly John McKnitt Alexander was anything but a forger, as will appear further on, and John McKnitt Alexander stands voucher for the Mecklenburg Declaration of Independence. Mr. Hoyt and other opponents of the Mecklenburg Declaration testify to the honesty of the old Secretary, and if they did not his notes easily demonstrate the fact.

John McKnitt Alexander left a copy of the Mecklenburg Declaration in his own handwriting. It is a paper that he did not have the literary ability to forge, as is evident from his other manuscript. Mr. Hoyt says the "diction" of the paper is "ambitious, forcible but inaccurate;" that the resolves "bear every mark of having been written by some one endeavoring to express the spirit of the period," and "Ephraim Brevard," the author of the Mecklenburg Declaration, "who was a graduate of Princeton," and "an able writer, * * could not have written a paper with such numerous tautologies and bungling imitation of the language of legal instruments." Mr. Jefferson was a college graduate and a great lawyer beside, and any one by taking the trouble to compare the manuscript draft of the Mecklenburg Declaration with the manuscript draft of the National Declaration as Mr. Jefferson wrote it will find "tautologies" and "ambitious language" in as great abundance to the square inch, to put it conservatively, as in the Mecklenburg paper.

In the opening sentence of his paper Mr. Jefferson wrote (see first draft Journals of Continental Congress, Vol. V., p. 491):

"When in the course of human events it becomes necessary for a people to advance from that Subordination, in which they have hitherto remained and to assume among the powers of the earth, the equal and independent station to which the laws of Nature and Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the change."

This is an exceedingly pretty, euphonious, almost poetic, a trifle "ambitious" and a well-rounded exordium, but it is scarcely as direct, forcible, and electric with the fire of action as the opening paragraph of the Mecklenburg paper left with us by John McKnitt Alexander, with all its tautology:

"1. That whosoever directly or indirectly abetted, or in any way form or manner, countenanced the unchartered and dangerous invasion of our rights as claimed by Great Britain is an enemy to this county—to America—and to the inherent and inalienable rights of man.

The Mecklenburg paper throughout compares favorably with Jefferson's paper—more than favorably with the manuscript draft of Jefferson's paper as it left his hands. It is terser, more virile with the fire of the moment, and devoid of abstractions which, in a sense, weakened Jefferson's document. It is evident that at the time the national paper was written Jefferson had not fully developed his great powers. Both his ideas and his words ran riot, and rein was given to the besetting temptation of exceptionally fertile minds like his to multiply both thoughts and words. The National Declaration is a great paper. It was made for a great occasion and it would have been a great paper if it had been written by another. It would have been a chaster, more virile paper if Richard Henry Lee had written it. It would have been more practical and to the point, even, had the "doubting Dickinson" written it. But the paper as we have it is not the work of one mind. Jefferson tells us he took notes during the "great debate," when, as John Adams declared, "nothing was said but what had been repeated and hackneyed in that room before for six months past," and that he "reduced them to form on the final occasion." Besides, the paper as we know it is in a sense, the combined work of that body of whom Chatham said, "For myself I must declare and avow that in all my reading and observation * * * * that for solidity of reasoning, force of sagacity, and wisdom of conclusion * * * * no nation or body of men can stand in preference to the congress at Philadelphia."

If then the Mecklenburg Declaration, which compares favorably with the paper produced by this body, was forged who was the forger and where did he hide his great light? What was his motive in forging it? It could not have been to hide the paper away in an old stocking, so to speak. John McKnitt Alexander was not the forger. Mr. Hoyt himself acquits Alexander of forging it. He says that the Declara-

tion is "a far more scholarly paper" than Alexander's historical statement and notes, which were attached to the Declaration. But if John McKnitt Alexander, who is conceded to have been scrupulously honest throughout, if mistaken, did not forge the paper, he was equally guilty with the forger, if it was forged, knowing that it was forged and attesting it as a genuine paper.

Much stress is laid upon John McKnitt Alexander's certificate, attached to the copy of his historical statement and of the Declaration which he deposited with Gen. Davie, in which he said, "It may be worthy of notice here to observe that the foregoing *statement*, though fundamentally correct, yet may not literally correspond with the original record of the transactions of said delegation and court of inquiry, as all those records and papers were burnt with the house on April 6th, 1800." There is no question but that the historical "statement" was made from memory and this accounts for the minor errors, not affecting the fundamental facts, which occur in it, such for instance as confusing the dates of 1785 and 1787, writing Joseph for William Hooper and Hughes for Hewes, but these are errors which a mere forger would never have made. The Declaration Alexander left as a copy of somebody else's paper and there is no direct evidence that he drew on his memory for the wording of it. Had he reproduced it from memory he must have reproduced it accurately, or depending, in some measure, on his own words for expressing the sense of it, have fallen into the faults of style and verbiage which his historical "statement" betrays.

There are several copies of the Mecklenburg Declaration extant, notably the "Martin copy," which appeared in Francois Xavier Martin's History of North Carolina, which was written between 1791 and 1809, when he was a resident of

North Carolina, but which was not published until 1829, after the controversy arose about the Declaration. Judge Martin, the historian, told Rev. Francis L. Hawks, as Dr. Hawks testified, that he got his copy of the Mecklenburg Declaration in manuscript, from the western part of North Carolina * * * * before the year 1800, when the original records were burned. The truth of Martin's statement is disputed, however, and it is not the purpose of the writer to draw aid from any but the known and undisputed facts of the controversy and such as can be demonstrated from placing these together.

The meeting of the May 20 Convention, its proceedings resolving on independence for the county and the Declaration adopted by the Convention are all denied, in the face of all the definite verbal and documentary testimony furnished by eye witnesses of the event, simply and purely on the assumption that the May 31st Resolves, authorized by the Mecklenburg Committee of Safety and found contemporaneously printed, could not have been issued in Mecklenburg eleven days after the Declaration of Independence.

The writer will show from the unimpeached records and testimony that the Convention was held; that the Declaration was made; that the May 31st Resolves framed by a Committee created by the Convention and constituted out of a smaller number of its delegates was not only the direct sequence and result of the May 20 proceedings, but was provided for in the copy of the Declaration as left to us by John McKnitt Alexander.

Before concluding with the subject of plagiarism there remains the phrase "pledge to each other our lives our fortunes and our sacred honor," which words occur in similar combination in both the National and Mecklenburg Declarations. These words in this combination are not any more original with Mr. Jefferson than were the words of Mr. Richard

Henry Lee's resolution. It was a hackneyed phrase of the time used with variations to suit the occasion.

In their address to "His Excellency Josiah Martin" in answer to his speech to the General Assembly held at Newbern, N. C., April 4, 1775, the General Assembly, while declaring through Speaker John Harvey their purpose to maintain their constitutional rights, say that "the inhabitants of North Carolina" are "ready at the *Expence of their Lives and Fortunes* to protect and support his [Majesty's] person," etc. This address is printed in the *South Carolina Gazette and Country Journal* Tuesday, May 23, 1775, on file in the Charleston, S. C., Library.

The presentment of the grand jury of Cheraw District, S. C., made to the court of Oyer and Terminer held at Long Bluff, April 15, 1775, is printed in the *South Carolina Gazette and Country Journal* Tuesday, June 6, 1775, (Charleston Library.) The following is extracted from the presentment: "We present as an enormous grievance the power exercised by the British Parliament. * * * * * We, well knowing the importance of those Rights in securing to us our Liberties, our Lives and Estates and conceiving it to be every man's indispensable Duty to transmit them to his posterity are fully determined to *defend them at the hazard of our Lives and Fortunes.*"

At an indignation meeting held in Philadelphia, April 25, 1775, on receipt of the news from Lexington the people agreed to "associate for the purpose of defending with arms their lives, their property and liberty."

In the address of the Massachusetts Provisional Congress "To the Inhabitants of Great Britain" on the Lexington slaughter, dated April 26, 1775, signed by Joseph Warren, President, occurs this sentence: "We profess to be his loyal and dutiful subjects, and so hardly dealt with as we have

been, are still ready, *with our Lives and fortunes*, to defend his person, family, Crown and Dignity."

In the *South Carolina Gazette and Country Journal* Tuesday, June 20, 1775, (Charleston Library) under date "Newbern, N. C., May 26, 1775," is this: "The people of this town have formed themselves into two companies * * * * who are determined at every hazzard to *risk their lives and fortunes in defense* of constitutional liberty."

The news from Lexington induced the General Committee in South Carolina to hasten the meeting of the Provincial Congress, whose members on June 2, 1775, associated themselves for defense against every foe; "ready to sacrifice their *lives and fortunes* to secure" freedom and safety.

The subscribers to the "Cumberland Association" June 20, 1775, united themselves "under every tie of religion and honor * * * * to go forth * * * and be ready to *sacrifice our lives and fortunes*," etc.

In July, 1775, John Dickinson in drawing up the second petition to George III employed this familiar phrase substantially to assure his Majesty that his "faithful subjects on this continent" will be "willing and ready at all times * * * *with their lives and fortunes* to assert and maintain the rights and interests of your Majesty, and of our Mother Country."

In subscribing the "Test Oath," adopted by the North Carolina Provincial Congress at Hillsborough on August 23, 1775, the members pledged themselves that "we do *solemnly* * * * engage under the sanction of virtue, *honor* and the *Sacred* love of liberty * * * to maintain and Support" the laws of the Continental and Provincial Congress."

From these random excerpts it will be seen that Jefferson did not have anything left of his closing phrase in the Declaration to originate even if it had not been used in the Mecklenburg Declaration.

Here is a curious illustration of the fallaciousness of imputing plagiarism in the employment of words or phrases likely to have been in common use at this period. In Resolve 1 of the Mecklenburg Declaration occurs the phrase "*inherent and inalienable rights* of man." In Jefferson's Declaration, as given to the world we read, "all men * * * are endowed by their Creator with certain unalienable rights." In his manuscript draft submitted to Congress Jefferson had written "that all men * * * derive rights inherent and unalienable." His Congressional editors struck out the word "inherent" and gave the passage its published shape. John McKnitt Alexander and his contemporaries certainly never had seen the original rough draft of the National Declaration, yet if they plagiarized in this instance, they must have plagiarized from the rough draft and not from the Declaration as they had seen it in print. Yet Mr. Jefferson, no doubt, counted this phrase among the Mecklenburgers' plagiarisms from his paper.

CHAPTER V.

CHARGE OF INCONSISTENCY.

One of the most conclusive arguments, supposedly, that is made against the genuineness of the Mecklenburg Declaration of Independence of May 20, 1775, is the alleged inconsistency of the conduct of the Mecklenburg leaders subsequent to the date of its adoption. It may be said here, once for all, that the contention that the conduct of these leaders was inconsistent with the May 20 paper and not inconsistent with the May 31st Resolves, which latter Mr. Hoyt finds it necessary to support and to claim is so much like a declaration of independence in effect as to be "easily mistaken" for such, is too palpably strained and fine spun to be tenable. The May 31st Resolves directed the people to meet and elect officers, "who shall hold and exercise their several powers by virtue of this choice, and independent of the Crown of Great Britain." The only thing that keeps this from being a declaration of independence is that it was an act of legislation in pursuance of and carrying out the purposes of the declaration already made.

Mr. Hoyt devotes two chapters of his book to this subject of inconsistency, Chapters VI and VII, "The Salisbury Records," and "An Accumulation of Miracles," respectively. The chapter on the "Salisbury Records" has to do chiefly with the records of the Salisbury District Court, at the session held June 1 to 6, 1775, inclusive. The Salisbury District was composed of the counties of Rowan, Anson, Tryon, Surry, Guilford and Mecklenburg. This court was presided over by Hon. Alexander Martin. When on June 1, one day after the date of the May 31st Resolves, "the sheriffs of the

several counties of the district were called, and required to make return of the several venires and other processes committed to them," says the court records, "Thomas Harris, high sheriff of Mecklenburg, failed to appear." The sheriffs of the five other counties in the district were all present. The court ordered a fine of 50 pounds imposed on Sheriff Harris, "and that he be cited to show cause," etc.

Later in the day, however, Sheriff Harris appeared and returned his venire. Of the seven jurors summoned from Mecklenburg only two were present. Hezekiah Alexander, Adam Alexander, John McKnitt Alexander (three delegates to the May 20 convention), Aaron Houston and John McCulloh, all of whom had been named in the jury writ, did not appear. Neither of the two jurors from Mecklenburg who did answer to their names were connected, so far as known, with the Mecklenburg proceedings. The court imposed a fine of 3 pounds each upon the five defaulting jurors.

Mr. Hoyt finds in these significant circumstances an argument to support his theory that the only paper adopted by the Mecklenburgers was adopted on the 31st of May and not on the 20th of May. He assumes that the meeting of the Mecklenburgers was called for the 31st of May, adopts the version of the witnesses that there was a two-day convention, that it extended over to June 1st, and that Sheriff Harris, after attending the militia muster and meeting on May 31st, left for Salisbury early on the morning of June 1st before "the resolves were publicly read" and in the ignorance of what had been agreed on in the convention. Mr. Hoyt says:

"But it was not because Mecklenburg county had declared independence twelve days before that Harris did not come. In the course of the day he arrived in court, and returned his venire. The committee meeting and militia muster at Charlotte the day before probably detained him, and he set out for Salisbury early on the 1st of June and before the resolves were publicly read. Hence he came to court ignorant of the fact that Mecklenburg had resolved that the King's courts should no longer administer justice for its inhabitants."

It is a somewhat violent assumption that the Sheriff of a county should attend an important public meeting such as that of the Mecklenburgers and set out to court the next morning in ignorance of what had been done. It is exceedingly more likely that Sheriff Harris' delay arose from the fact that he had not ventured to set forth to attend the King's court at Salisbury until after the May 31st paper, which skillfully qualified the state of the county's independence in such a way as to continue its courts as a part of the judicial system of the Province, had been formulated and adopted by the Committee.

This liberal construction put upon the independent status of the county, while sufficient warrant for Sheriff Harris, who was not a delegate to the May 20 convention, to attend the Salisbury court, did not prevail upon the men summoned to serve as jurors who had been delegates to the convention and they stayed away. The Alexanders and others of the delegates were still imbued with the enthusiasm of the May 20 Declaration and were holding themselves in leash until their messenger should return from Philadelphia with the sanction of Congress for their course. For we shall learn from contemporaneous documents further along, that some of the people of Mecklenburg looked with distrust upon some of their leaders in the convention and committee after the insufficient results that followed the May, 1775, proceedings and thereafter pledged these leaders, when acting as their representatives, to obey implicitly the instructions laid down for them, showing that they felt they had in some measure been betrayed.

It may be said here parenthetically, however, that the Mecklenburgers, in the early Revolutionary period, were by no means alone in manifesting inconsistencies. An instance something similar to that in question occurred in connection with Patrick Henry's ringing resolutions in the Virginia

House of Burgesses in denunciation of the stamp act. The resolutions were adopted and the "next day," says Elson, in a foot note, "in the absence of Henry, the resolutions were reconsidered, and modified, and the most violent one was struck out. But they had been given to the public in their original form, and in this form they were published broadcast over the land." (Vol. II, 10).

The burgesses do not appear to have been worried by any fear of fixing "an ineffaceable stigma to their characters," as Mr. Hoyt conceives would have attached to the Mecklenburgers had the politicians among them met eleven days after the people, in the ardor of a popular assemblage, had declared independence, and drafted a paper which made it possible for them to have living relations and intercourse with their neighbors, who were not independent.

The grave injustice done the Mecklenburgers by history and historians is here illustrated. When they first declared their independence no one outside the confines of the county would take them seriously, and ever since the movement which they were the first to make resulted gloriously the disposition has been to regard them too seriously and to draw the inference that they did not declare independence because, in view of their environments, they did not rigidly adhere to the terms of their bond. To make consistency a test of historical truth is to disregard human nature and human experience. The politician of the eighteenth century was in all essentials the same as the politician of the twentieth century. Take a current instance. In the year in which we are living, the great Governor of a great State, in his inaugural address, denounced the evil of lobbying in the most drastic terms to an assembled multitude of fully five thousand people, and he asked the Legislature, then in session, to pass a penal statute, visiting infamous punishment upon any person convicted of lobbying. Scarcely more than a month from this utterance, in the clos-

ing hours of the session of the Legislature which he had admonished, this great Governor is found personally engaged most diligently in lobbying with the members for the passage of a measure in which he was interested.

The thing is simply impossible, Mr. Hoyt would say, applying the method by which he claims infallibly to disprove the May 20 Declaration by the May 31st Resolves. With all due apologies for any seeming profanity, however, it may be said that with God and the politician all things are possible.

The writer is satisfied from his reading of the history of the times that any one who leaves politics out of the question in treating of the Revolutionary period is blessed in the most bountiful measure with the saving quality of faith. The Revolution appears to him to have begun in a three-cornered contest. The Whigs in America disapproved of the Colonial measures of the British government as unconstitutional and they blamed the ministry for these measures. They professed unfaltering allegiance to George III, but arose in revolt against his officers and placemen, who, they believed, or affected to believe, were abusing the King's confidence. To his Majesty the Colonists were "your humble and dutiful subjects;" to his Majesty's governors, five of whom were in flight, they were insolent rebels resorting to "falsehood and calumny" to misrepresent his Majesty's officers. The great aim of the patriots was to identify the King with our cause and sever him from his ministry. Consequently professions of loyalty to George and allegiance to constitutional principles went invariably together. This was a policy which was thoroughly understood and rigidly adhered to by the leaders both in the Continental Congress and in the respective Colonies throughout the year 1775. Anything that threatened to contravene this policy was sternly and severely repressed. This accounts for the suppression in Philadelphia of any

mention of Captain Jack's visit and papers. The British Tories were saying at home that the American Whigs aimed at independence and the American Whigs retorted that this was a "cruel slander." The fight to keep down any pretense at independence became therefore a patriotic duty. Moreover it was playing into the hands of the enemy to talk of independence and it was probably resented accordingly. Mr. Jefferson marveled that "Mr. Henry's resolutions [opposing the stamp act] far short of independence, flew like lightning through every paper," while a declaration of independence should not have been "heard of." But Henry's resolutions were in accord with the policy of the country, which was determined not to pay a tax levied on the people by a parliament in which they were not represented, and the Mecklenburg Declaration was so far at variance with the policy of the country as to have stultified the Congress by that body merely receiving and recording it.

In a sense the Colonies were in closer touch and understanding with each other at this period than the States are today. The sentiments of one were apparently, if not really, the sentiments of all, and certainly were familiar to all. The policy of which we have been treating was as much emphasized by the leaders in North Carolina as in other colonies. It is customary for some writers, on occasions, in treating of the Mecklenburg Declaration, to branch off to the colony generally, confounding the two subjects, when, in fact, no two things could be farther apart. Prof. W. E. Dodd, of Randolph-Macon College, in his "Life of Nathaniel Macon," touches frankly, if somewhat with gloves off, on the politics of the Revolutionary period in North Carolina and the country at large. Prof. Dodd says:

"Whatever may be said of North Carolina's devotion to the cause of the Confederacy in 1860-1865,—and no people ever sacrificed more—it can not be said that it gave general and heroic support to the cause of

Independence. No State acted, other than a selfish role in that, our first war," * * * But the principal cause of this supine support of the great national movement on the part of North Carolina was the neutralization of the forces of the patriots: (1) By the effects of the War of Regulation in 1769-1771; (2) by the presence of large numbers of Scotch Royalists in the middle and upper Cape Fear regions; (3) by the opponents of democratic government, i. e., by the influence of the determined minority in the assemblies, led by Hooper, Johnston, Iredell and others. * * * * *

* * * The East was an oligarchy; the West a democracy. The two sections could not easily have been brought to live peaceably together under the most beneficent laws; so much the worse when the East persisted in domineering and exploiting the West. * * * * * A very respectable party of the Whigs, * * * was alienated when men began to speak of independence. * * * A similar party existed in and about Wilmington, with William Hooper as leader, which was ground for Jefferson's later declaration that Hooper was a great Tory, and, of course, it was known that all of Hooper's family publicly supported the Royal cause. These conservatives were strong enough to name the representatives to the Continental Congress during the earlier years of the war—Hooper being the leader of the delegation. * * *

"Geographically considered, the Patriots had actual control of but a small portion of North Carolina—the Southside of Roanoke, i. e., a section of country containing a population of some seventy to eighty thousand people. * * * This cut off from actual co-operation with the northern part of the State the bold Mecklenburgers and the Catawba backwoodsmen. South Carolina, too, was the home of disaffection, and being contiguous to the Royalist counties of North Carolina, the strength of the Tories was much increased.

In all justice, the difficulties created by these environments should be considered before censuring or even charging the Mecklenburgers with inconsistency.

Returning to the Salisbury court records, Mr. Hoyt says:

"On June 6th, the last day of the court, after Captain Jack's papers had been read by William Kennon at the instance of the presiding judge, Alexander Martin, a staunch Whig, the fine imposed upon the Sheriff of Mecklenburg was remitted."

One would think that Mr. Hoyt inferred that Judge Martin remitted the fine of the Mecklenburg Sheriff, after hearing Captain Jack's papers read, in recognition of the patriotism of the people of that county. Perhaps he did. But one

would not ordinarily discover consistency in the course of a Royal judge who had a few days previously charged the grand jury to inquire into "Crimes and Misdemeanors, of Treason, and traitorous Conspiracies, which are capital offences against his Majesty's Person and Government, * * * * in short, of all offences, capital or not, having a tendency to subvert the good Form or disturb the state of government," when this same judge quietly permitted a paper (the May 31st Resolves, Mr. Hoyt claims) to be read in his court declaring—

"That all commissions * * * granted by the Crown * * * are null and void * * * that the inhabitants * * * do chuse * * * officers, who shall hold * * * their several powers by virtue of this choice and independent of the Crown of Great Britain * * * That whatever person shall hereafter receive a Commission from the Crown, or attempt to exercise any such commission heretofore received, shall be deemed an enemy to his country," etc.—

without instantly ordering the bold herald to be committed for contempt of court and directing the grand jury to enquire at once into the "traitorous conspiracy" to "disturb the state of government" in the county of Mecklenburg in his district thus publicly proclaimed. But the only response made by Judge Martin to this extraordinary proceeding was to remit the fine of the sheriff who had probably taken part in the "traitorous conspiracy" hatched in his county and had not reported it, so far as the records show.

The writer is not informed as to whether the notable charge delivered by Judge Martin to the Grand Jury of the Salisbury District on the opening of the court June 1, 1775, is preserved among the records of Rowan at Salisbury or not. Mr. Hoyt and others who have inquired into the "Salisbury Records" are silent concerning this charge. But by all who heard and knew of it at the time it was esteemed as a noteworthy deliverance and quite a deal of complimentary correspondence passed between Judge Martin and the public

bodies concerned in reference to it. This the writer gathers from the fact that the charge and the correspondence were printed at length in the *South Carolina Gazette and Country Journal* of Tuesday, July 11, 1775, as appears in the files of this interesting Revolutionary publication, preserved in the Charleston, S. C., Library, Miss Ellen M. Fitz Simons, librarian. The charge and the correspondence occupy one and a half wide columns of the newspaper. The print is very much blurred, more from poor press work, apparently, than from age. As much of the Judge's charge as can be clearly made out will be reproduced here, as it seems to the writer to illustrate the real state of political feeling in the country and something of the Scotch-Irish Presbyterian sentiment in this immediate section in 1775 as well as it could be done. The charge follows:

"The Judge's charge to the Grand Jury, at a Court of Oyer and Terminer, held at Salisbury, June 1, 1775.

"Gentlemen of the Grand Jury:

'You are his Majesty's council for the District of Salisbury, set apart on this occasion to accuse such of his Majesty's subjects who are guilty of Crimes and Misdemeanors done or committed within the same.

'The important task reposed in you by our happy Constitution teaches you how much you ought to prize a privilege that has been the Boast of Ages—the Envy of Nations—which our glorious Ancestors waded through Seas of Blood to obtain, and compelled even Majesty to ratify, by that sacred Palladium of British Liberties, the Grand Charter.

"This, with other peculiar Rights and Privileges of Englishmen, the Sovereigns of Britain, through a long Series of Ages, have plighted their Faith by a most Solemn Oath to maintain, and for this Kingly Protection the Subject has bound himself by as solemn a tie to hold Allegiance and obedience to them as long as they shall continue to hold faith with and defend these choice invaluable blessings to their People.—This is that great, that recognized Union between the King and his Subjects" (The remainder of this paragraph is illegible to the naked eye.)

Paragraph six deals with the right of trial by jury, but is generally illegible.

Paragraph 7 bids the people to transmit this right unimpaired to posterity, but, in the main, it is illegible.

Paragraph 8, as much as is legible, follows:

“Let me inform you, gentlemen, through you [illegible] must Enquiries be made of Crimes and Misdemeanors, of Treason, and traitorous Conspiracies, which are capital Offences against his Majesty’s Person and Government, misprision of Treason, Murders, manslaughter, [illegible] Riots, Routs, and unlawful Assemblies, [illegible] Housebreaking, Rapes, Robberies, Grand and Petit Larcenies; in short, of all offences, capital or not, having a tendency to subvert the good form or disturb the state of government.”

Paragraph 9 is illegible.

Paragraph 10, so much as is legible, follows:

“Next gentlemen, Morality and Religion merit your particular care and [illegible] guarded by wholesome laws [illegible] of the Reformation in which are comprized [illegible] nourished by the Blood of Martyrs in [illegible] Popish Tyranny and Superstition [illegible] against Popish recusants [illegible] whose every Tenets disgrace the”—

The remainder of the charge is illegible.

The grand jury of Salisbury district was so impressed with his honor’s charge that the body adopted resolutions printed in full in this issue of the *South Carolina Gazette and Country Journal* formally thanking him for his “learned, loyal and edifying charge,” and Judge Martin as formally and in set terms thanked the jury for its appreciation of his utterances.

Next “Ten Magistrates of the County of Rowan prayed that his Honor “would indulge us with a Copy of your charge, which may be useful to us both as magistrates and Friends of Liberty” and Judge Martin, under date of June 6, the last day of the session, says in answer:

“Gentlemen of His Majesty’s Justices of the Peace for the County of Rowan:

“I thank you for this honorable notice you have taken of my charge to the grand jury, and agreeable to your request, gentlemen, shall present you with a copy. Your Loyalty, gentlemen, to the King and attachment to the constitutional Laws of his government afford me great satisfaction, which I make no doubt you will continue to maintain and defend to the utmost of your power.”

What was the significance of all this solemn flummery, in view of the Jack incident, whether it was the May 20 Declaration that was read or the May 31st Resolves or both? Judge Martin, though a "staunch Whig" held the scales evenly, so far as his charge goes, between loyalty to the house of Hanover and allegiance to constitutional rights, but it is plain his sympathies were so much identified with the popular cause that he could not recognize a "traitorous Conspiracy" "to disturb the state of government" and "Misprison of Treason" in the concrete (from the government's viewpoint) when the evidences of it were brought into court and flaunted in his very face.

The incident has the flavor of Dickens in its humor and solemnity. The scene in *Pickwick Papers* is irresistibly suggested:

"The chairman felt it his imperative duty to demand of the honorable gentleman whether he had used the expression that had just escaped him in a common sense. Mr. Blotton had no hesitation in saying that he had not—he had used the word in its *Pickwickian* sense. (Hear, hear)."

Mr. Hoyt refers to some other Salisbury records, viz., of the "Committee of the County of Rowan," which on June 1, 1775, addressed a letter to the "Committee of the County of Mecklenburg," asking for an interchange of the proceedings of the committees, and avowing, substantially, its allegiance to the House of Hanover and to constitutional principles, but as the records of the committee as quoted do not tend to prove anything except that the Mecklenburg committee of safety and correspondence was so new a body that it had not yet had any correspondence with the next nearest committee, it is not deemed necessary to take this up seriously. It is pertinent to say that it is only another circumstance going to show that the Mecklenburg committee which held its first known meeting on the 31st of May and made laws for an in-

dependent government of the county could not have been the body that declared independence, self-created and investing itself with the powers of revolution, which are lodged only with the people.

The fact that the committee of correspondence met for the first time May 31 explains why the Rowan people had not heard of the Mecklenburg proceedings of the 20th of May up to the morning of June 1. There was no regular post and communication was irregular and infrequent.

In his chapter, "An Accumulation of Miracles," Mr. Hoyt is betrayed into error by an inaccurate use of words. He argues from the premise that in matters political men cannot profess one thing and practice another in any measure without exceeding the bounds of their natural powers and invading the realms of the miraculous. To him language means all it says and cannot be varied from by jot or tittle. Talleyrand's maxim has no place in his code of moral conduct. Pickwickianism does not exist in his scheme of practical affairs. But unfortunately both things are common place in human experience. And if the judgment of his premise that the Mecklenburgers could not have declared independence on May 20, 1775, because they did something inconsistent with such a declaration at a later date were not false, he still subverts his own argument in the end by maintaining that they did "virtually" and "in effect" declare independence on the 31st of May, 1775, thus leading the Mecklenburgers into the error of supposing they did it on the former date.

Waightstill Avery, reputed to have been a member of the May 20 convention, and in all probability author of the May 31st Resolves, was appointed "Attorney for the Crown," Aug. 2, 1775, Mr. Hoyt says. Just so. Avery's shrewd informed mind could not fail to grasp the difficulties of the situation created by the Declaration and he had anticipated

and paved the way for this course, doubtless, in drafting the later Resolves.

The Justices, some of whom had been delegates to the May 20th Convention, continued to hold the County Court in the King's name at the July and October, 1775, terms, and later, is another indictment drawn by Mr. Hoyt. The writer, who has always known of the Mecklenburg controversy and accepted the orthodox version, is free to say that he was staggered when, at an earlier period in his life he first inspected the old Mecklenburg Court records, showing that the Justices nominally, at least, continued to hold the Court in the King's name. This was before he had examined into the environments of the Mecklenburgers in 1775 and before he enjoyed the valued privilege now afforded him by Mr. Hoyt of reading the rough notes left by John McKnitt Alexander as preserved in fac-simile through the historian, Bancroft's, patriotic care. But the fact was stated explanatorily by Alexander in his notes which have been so frequently corroborated by subsequent disclosures as to have gained for him the unanimous credit of honesty from the objectors to the declaration who have impeached pretty much every one else whose testimony did not accord with their theory. On page 2 of his notes Alexander says:

"Be it remembered. That the within mentioned Committee Men continued to act as Justices and were confirmed or tolerated to act in their offices by the Counsel of Safety then sitting in Newbern and Wilmington alternately about 177 [not legible] and continued to hold their quarterly Sessions in Charlotte as usual," etc.

And by the way, McKnitt Alexander's words, unlike the Talleyrand language, mean all they say, but do not say all they obviously mean. In all their declarations of independence and other papers the Mecklenburgers never failed to recognize and avow their dependence on and allegiance to the Continental Congress and the authorized provincial bodies

constituted by the popular side. It was in obedience to this principle of loyalty to the patriots and their leaders in the country at large that they doubtless consented to modify their course and hold their courts in the name of a King whom they had repudiated after Captain Jack returned from Philadelphia with his message from the North Carolina delegation in Congress, led by the determined conservative, William Hooper, telling them they were "premature" and admonishing them to "look to the reigning monarch of Britain as your rightful and lawful sovereign."

It is certain, however, that some of the justices who were delegates to the May 20 convention did hold court, in the King's name, and if the fact of their doing so after the May 20 Declaration constituted a "miracle" it was equally a "miracle" for them to have done so after the May 31st Resolves, wherein the Committee decreed "That whatever person shall hereafter receive a commission from the Crown, or attempt to exercise any such commission heretofore received, shall be deemed an enemy to his country," etc.

Again, says Mr. Hoyt, four of the delegates in the Mecklenburg Convention sat in the Provincial Congress, which met at Hillsborough, August 20, 1775, and subscribed to the "Test Oath." And what was the "Test Oath?" It was a test of fealty to the liberty party, pure and simple, in its purposes. It began with the stereotyped and, doubtless, perfunctory profession of allegiance to the King, "We, the Subscribers, professing our Allegiance to the King, and acknowledging the Constitutional executive power of the Government," and then it proceeded in the compass of 174 words, by actual count, to say that the subscribers protested against the right of the Parliament of Great Britain "to impose Taxes upon these colonies," or "to regulate the internal policy thereof;" that "all attempts" to do so "ought to be resisted to the utmost;" and "that the people of this province * * * are

bound by the Acts and resolutions of the Continental and the Provincial Congresses, * * * and we do solemnly and sincerely promise and engage, under the Sanction of virtue, Honor, and the Sacred love of Liberty and our Country, to maintain and Support, all and every the Acts, Resolutions and Regulations, of the said Continental and Provincial Congresses, to the utmost of our powers and abilities.”

The Congress which imposed this oath on its members was elected and organized in defiance of a proclamation of the royal Governor, Josiah Martin, issued from the man-of-war *Cruizer*, in the Cape Fear river, on which he was a refugee, having been driven from Newbern by some of the members of this body. Among the leaders of the Congress were men whose names Governor Martin had on July 16, 1775, recommended to Dartmouth, Secretary for the colonies, to “proscribe as persons who have marked themselves out as proper subjects for such distinction in this colony by their unremitting labors to promote sedition and rebellion here.” Having driven the royal Governor from his capital through some of its members, this Congress, on the fourth day of the session, as appears from the North Carolina Colonial Records, appointed a committee to formulate a plan of provincial government, made necessary by “His Excellency, the Governor, refusing to exercise the functions of government, by leaving the province and retiring on board a man-of-war without any threats or violence to compel him to such a measure.” (This, it is to be feared, exceeds the bounds, even, of legitimate Piekwickianism). The Congress next directed the Governor’s proclamation forbidding the members to assemble to “be burned by the common hangman.” Resolutions were adopted authorizing 1,000 troops to be raised in support of the popular cause and the Congress capped the climax of its Piekwickian performances by receiving “unanimously” an “Address to the Inhabitants of the British Empire,” laid be-

fore it by William Hooper, and quoted from by Mr. Hoyt, in which the Congress is made, among other things, to say, "We have been told that Independence is our object; that we seek to shake off all connections with the parent State. Cruel Suggestion. Do not all our professions, all our actions uniformly contradict this?"

Mr. Hoyt deems it nothing less than a "miracle" if the Mecklenburg delegates could have subscribed the "Test Oath" under these conditions. But it appears from the journal of this Congress that at its second session on April 15, 1776, three days after the body had "unanimously" resolved "that the delegates for this colony in the Continental Congress be empowered to concur with the delegates of the other colonies in declaring independence," "William Hooper, [the author of the 'Cruel Suggestion' address] and John Penn, Esqs., delegates of the Continental Congress, and members of this House, appeared, subscribed the test, and took their seats." This little Pickwickian performance on the part of Messrs. Hooper and Penn escaped Mr. Hoyt's attention, it is presumed, since he fails to mention it, but it illustrates how little serious emphasis the patriots of North Carolina placed on the "profession" of allegiance to the King in the Test Oath. Incidentally, also, Mr. Hooper's "address" indicates the sort of pressure that was brought to bear on the Mecklenburgers to whip them into line with the Continental policy after Caswell, Hewes and himself put the "snuffers" on Capt. Jack and his dangerous documents in Philadelphia in June, 1775.

Mr. Hoyt makes some further quotations from the conservative leaders in North Carolina intended to prove that no one had heard of any declaration or expressed desire for independence in this colony, but his authorities, if they prove anything prove too much. They only prove that none are so deaf as those who will not hear. The conservatives were honestly determined on controverting their enemies' conten-

tion and they overstated their case, as partisans not infrequently do. "The Revolutionary War was pre-eminently a war of leaders," says Prof. Dodd, previously quoted from. Revolutions usually begin their rise among the masses of the people, and revolutionary sentiment is always strongest among them. The generals are always to the rear of the army, and especially is this liable to have been the case when the political generals of the Revolution were among the judicious, the prosperous, the comfortable and well-placed citizens, who are naturally chary of making changes. Hooper, Hewes, Iredell, and some few others of the political leaders in North Carolina were of this class. Referring to the year 1778, Prof. Dodd, in his "Life of Nathaniel Macon," says: "At home, James Iredell gave up, this year, a Superior Court judgeship because the emoluments were insufficient; Samuel Johnston, his brother-in-law, refused to serve as State Treasurer, though he admitted the emoluments were ample enough. William Hooper, too, resigned his seat in the Continental Congress. Wise and wealthy men thought it too dangerous to be over zealous on either side." Yet, these were the "conservatives," who, Prof. Dodd, in another place, says, "were strong enough to name the representatives to the Continental Congress during the earlier years of the war—Hooper being made the leader of the delegation; rather, the Patriots made this concession in the hope of winning their support and influence."

These men, however, can be termed "leaders" only by courtesy. The real leaders or fomenters of the Revolution were the men in the Provincial Congress at Hillsborough whose truculent conduct had put to flight the royal Governor; whose first legislative step was to resolve on protecting from punishment the unpardoned Regulators who had fought the initial battle of the Revolution against unauthorized taxation four years before at Alamance; who burned the Governor's procla-

mation; who raised troops to fight the royal forces; who set up an independent Government, and such like. No wonder such actions appeared louder to the suspicious British Tories than Mr. Hooper's almost lachrymose protestations against the "cruel suggestion" that "independence is our object." Perhaps, however, it was for a wise purpose that the Revolution should have gained body and headway under cover of these asseverations of the conservatives which were honest in so far as their individual sentiments were involved. We really absolve them from intentional culpability of the charge made by Governor Martin, in his proclamation issued from Fort Johnston, June 16, 1775, of making their "professions of duty and allegiance to the King in order the more effectually to deceive and betray the unwary people into the most flagrant violations thereof," however much the ultimate trend of events would appear to have borne out the royal Governor's suspicions.

So, Mr. Hoyt, reading on the surface and accepting the claims of the time at their face value, quotes "a gentleman in North Carolina and one of the Delegates to Congress, apparently Joseph Hewes," writing a private letter from Edenton, July 13, 1775, and saying:

"We do not want independence; we want no revolution, unless a change of Ministry and measures would be deemed such. We are loyal subjects of our present most gracious Sovereign in support of whose crown and dignity we would sacrifice our lives and willingly launch out every shilling of our property, he only defending our liberties. We can vouch for the loyalty of every one in this part of the province."

The last sentence is significant. Joseph Hewes had heard of Meeklenburg's Declaration. He had helped to smother it in Philadelphia in the last week of June, 1775, and about the same time, on the 27th of June, 1775, Samuel Johnston who was moderator of the revolutionary Congress which met at Hillsborough two months later and set up an independent Government, wrote him from North Carolina: "Tom Polk,

too, is raising a very pretty spirit in the back country (see the newspapers). He has gone a little farther than I would choose to have gone, but perhaps no further than was necessary."

But Hewes' letter was intended honestly, if it was more strenuous than candid in designating George III. as "our present most gracious Sovereign." Ordinarily the legal maxim might apply, "Falsus in uno, falsus in omnibus," but political professions cannot justly be held amenable to legal maxims. It is perhaps proper to say, however, that Governor Martin, though a royalist, was an intelligent and honest man, and some weight is to be given to his letter to Dartmouth, also quoted by Mr. Hoyt, in which he said "it is difficult for the most impartial and unprejudiced mind to believe their uniform professions and declarations against any views of that nature. . . . *Heaven knows what are the real views of them at large.*" Mr. Hoyt italicises the last sentence and accepts it as a profession of ignorance on the part of Governor Martin of the views of the people at large, whereas, taken in connection with the rest of the quotation, it is plainly an intimation that he knew, or believed he knew, these were not in entire accord with the professions of their leaders. The truth as to the state of mind in the colonies in 1775 probably lies between the two views. It is not within the probabilities that the colonies should have unanimously agreed on independence in July, 1776, when as late as 1775 there was absolutely no conscious movement or aspiration among the people for independence. The desire for independence must have been abroad among them, since the spirit of independence was prevalent in their conduct, but there is no denying that outspoken evidences of it were suppressed with masterly skill and determination.

Mr. Hoyt also quotes James Iredell, of Edenton, "an Associate Justice of the Supreme Court of the United States

during Washington's administration," as saying, in a manuscript essay, dated June, 1776, "We have never taken any one step which really indicated such a view," (view to independence). And yet, Governor Martin, in his "long and fiery proclamation of August 8, 1775, had denounced the Meeklenburgers for "most traitorously declaring the entire dissolution of the Laws, Government and Constitution of this country," and the May 31st Resolves, which Mr. Hoyt says were, "in effect a declaration of independence," were "published," he also says, "in every city of the Carolinas where there were newspapers, copied into New York and Boston newspapers, and suppressed in Philadelphia because it was 'premature.'" Mr. Hoyt's facts simply refute Mr. Iredell's statements in so far as these ignore or deny there was a "step" "taken" in Mecklenburg with a "view" to independence.

CHAPTER VI.

JOHN McKNITT ALEXANDER'S ROUGH NOTES.

The crux—or supposed crux—of the Mecklenburg controversy hinges around the fragmentary historical statement and copies of the May 20 Declaration left by John McKnitt Alexander. It is agreed by all the disputants of whom this writer has knowledge that John McKnitt Alexander was a scrupulously honest man; that he was scrupulously honest, if mistaken in the memoranda he left of the May 20 proceeding and Declaration. But we will not rest on the honesty of the man or on the honesty of his intentions in making his statements. We will rigidly inquire into their essential accuracy as corroborated by the testimony of collateral circumstances, of contemporaneous history and of witnesses with which and whom he could have had no collusion or collusive knowledge. We will show that these corroborating facts are of such a nature as not only to bear out Mr. Alexander's statements, but that they are of such a nature as to preclude the possibility of his statements being otherwise than true.

Mr. Alexander was the custodian of the Mecklenburg Revolutionary records. He had been the secretary of the May 20 Convention. There is good reason to believe he succeeded Dr. Ephraim Brevard as clerk of the Mecklenburg Committee of Safety. He was the friend and intimate of Dr. Brevard. When Dr. Brevard, after his fatal confinement in prison at Charleston, struggled home to die, it was at the home of John McKnitt Alexander he stopped and breathed his last. It was in John McKnitt Alexander's keeping that Dr. Brevard left at least one other remarkable paper beside the May 20 Declaration. In the possession of Mr. Alexander's family, Foote tells us (*Sketches of North Carolina*, p. 70.) was preserved for a long time the paper "Instructions for the Dele-

gates of Mecklenburg County, Proposed to the Consideration of the County," written in Dr. Brevard's hand, which was later entrusted to Governor D. L. Swain's custody. Of this paper more will be said in the proper place.

John McKnitt Alexander always entertained a lively interest in and appreciation of the significance of the May, 1775, proceedings in Mecklenburg. His penchant for hoarding and prizing records is disclosed in the number left by him, dealing with the Revolutionary period, despite the fact that the bulk of these records were burned up with his house. After the cold reception given their Declaration outside of the county the Mecklenburgers might well be excused for not making much talk about it. But Alexander, the custodian of the papers, talked about it, made copies and placed them where he thought they would best serve the purpose of perpetuating the fame of the event. He made a copy of the proceedings in 1787 or thereabouts for "Doctor" Hugh Williamson who was writing a history of North Carolina. He deposited an account of them with a copy of the Declaration with Gen. William R. Davie. He carefully filed away another copy of his statement and of the Declaration with some old and valued pamphlets of the early Revolutionary period. Attached to this was found a torn fragmentary half sheet on which was written his first crude notes wherein, after the fire in 1800, he sought to recall the salient features of the records that had been burned. In 1800 when these notes were written John McKnitt Alexander was 67 years old. The impressions of the events which he undertook to recall were made upon him at the age of 42, when he was in the prime of his manhood. There is an illusion of the memory in projecting itself over a long lapse of years similar to the optical illusion, with which every one is familiar, in casting the eye over physical distances. The mile posts merge into and become confused with each other, but the prominent landmarks stand out clear and distinct. In recalling the events of twenty-five years previous Mr. Alexander was in-

accurate in several instances, in fixing the year of an event and the precise names of some of the public men of the day, but in the essential points of interest his narrative will be found in every case to be correct. It is to be remembered that at the time he wrote these notes there was not available to him any history of the events in Mecklenburg County, and what he wrote was derived from his personal knowledge alone.

The Mecklenburgers have erected a monument to the men of Mecklenburg who made their Declaration of Independence. They should erect an individual monument to the memory of the man to whose fidelity is due the preservation of the facts concerning it. Had he not preserved some written record of it those who have proclaimed the May 31st Resolves, since discovered, as something greater than a declaration, but still not just the thing that is claimed, would have ignored that paper as an unfathered record of something that never occurred.

John McKnitt Alexander should have a monument, and on it, under the caption, "WE WERE PREMATURE," should be carved in enduring marble every letter, ellipsis, interlineation, erasure, error and correction which appears in his notes as faithfully reproduced by Baneroff's copyist. Mr. Alexander's rough notes follow :

1775

On the 19th May 1775 [*"6" was written through "5"*] Pursuant to the Order of Col^o Tho^s Polk¹ to each Captain of Militia in his reigment of Meck- *sic* lenburg County, to elect nominate and appoint 2 persons of their Militia company, cloathed with ample powers to devise ways & means to extricate themselves and ward off the dreadfull impending storm bursting on them by the British Nation &^c &^c

Therefore on s^d 19th May the s^d Committee met *sic* in Charlotte Town (2 men from each company)

¹ The italicised portions are notes in pencil by the copyist.

Tho. Polk

² In the original it is written thus: Col. ~~Adam~~ Alexander.

or conceived they had
sic Vested with all powers these their constituents had ^{&°}
 about

sic After a short confarence [^]of their suffering
 brethren beseiged and suffering every hardship in
 Boston and the American Blood running in Lexing-
 fire

ic ton &° the Electrical [^]flew into every breast and to
 Esquire

sic preserve order—and Choose Abraham Alex [^] chairman
 Secretary a few
 & J. M°K. A. After [^]about [^]an Hour free discussion
 in order to give relief to suffering America and protect
 our Just & natural right

1st We (the County) by a Solemn and awfull
 abjured
 vote, Dissolved our allegiance to King George & the
 British Nation.

2^d Declared our selves a free & independent people,
 having a right and capable to govern ourselves (as
 a part of North Carolina)

3^d In order to have laws as a rule of life—for our
sic future Government We formed a Code of laws, by
 adopting our former wholesome laws.
 then

4th And as there was [^]no officers civil or Military
 in our County

We Decreed that every Millitia officer in s^d County
 should hold and occupy his former commission and
 Grade

And that every member present, of this Committee
 shall henceforth [*torn*] as a Justice of the Peace (in
The original the) Character of a Committee M

is torn here hear and determine all Controversies agree-
 at all the able to s^d laws— peace Union

blanks. & harmony in s^d County—and to use
 every spread the Electrial fire of free-
 dom among ourselves & u

the
sic 5th At&c: &c: many other laws & ordinances were
 then ma after sitting up in the
 Court house all night—neither
 After reading and maturing every paragraph every *sic*
sic par-they were all passed Nem-Con about 12 o'clock
 May 20. 1780 1775¹

But in a few days (after cooling) a considerable
 part of s^d Committee Men conveyed and employed
 Captⁿ James Jack (of Charlotte) to go express to
 Congress (then in Philadelphia) with a Copy of all
 resolutions and
 s^d ^ Laws & . and a letter to our ³ ^ members there, *sic*
 W^m
sic Rich^d Caswell, ^ Joseph Hooper & Joseph Hughes in *sic*
 order to get Congress to sanction or approve them
 &c: &c:

Captⁿ Jack returned with a long, full, complasent
 letter from s^d 3 members, recommending our zeal
sic recommending perseverance order & forbearance &c.
 —(We were premature) Congress never had our s^d
 laws on their table for discussion, though s^d Copy
was left with them by Captⁿ Jack.

sic N. B: about 1785 ["5" was changed to "7"]
~~1764~~ Doctor Hugh Williamson (then of New York ;
 but formerly was member of Congress from this
The original state) applied
is here above by Col^o. W^m Polk, who was then
torn compiling a
 in order to prove that the American people
 in the Revolution and that Congress
 were com

¹ This is written so in the original.

N. B. allowing the 19th May to be a rash Act
The original effects in binding all the middle [&] west
is here firm whigs—no torys but
torn. not fully represented in the first

2^d page

Be it remembered. That the within mentioned
 Committee Men continued to act as Justices and
 or tollerated to act
 were confirmed _^ in their offices by the Counsel of *sic*
 then sitting
 Safety in Newbern & Wilmington alternately about
 1777 [*not legible*] and continued to hold their quarterly *no*
 Sessions in Charlotte as usual and no appeals from
 s^d Justices—for they had the confidence of the peo- *sic*
 ple and such was the Enthusiism of the people at
 large “that whatever was the voice of the People
 was the voice of God” all was submission. Thus
 matters were carried on when lord Cornwallis was
 in Charlotte in the fall of 1780—“He was in a
Hornets-nest’ no communications to, or from but
 the great Cambden road—all firm whigs— but s^d— *sic*
 [*not legible*] and they dare not move nor Cheap.
 or 2^d

And the first Court held in Charlotte after
 lord Cornwallis retreated retrograded or run away
 from Charlotte, the Court adjourned or rather ap-
 pointed a Special Court of Enquiry—which set by
 regular adjournments at Charlotte—at Col^o James
 Harris—at Col^o Phifers one week at each place—to
 which places all suspicious persons were brought
 under Guard—formally tried—some from Lincoln
 and
 & Rowan Countys—& even Booth _^—Dunn (lawyers)
 from Salisbury were convicted and ordered off under
 Guard with several others—

sic These severe just—tho arbitrary measures were
sic the cause of peace [*torn*] the County untill July 4

~~177~~ the fall of 1777 when our first [torn] embly met in Newbern in the State of North Carolina and nearly all that was done confirmed [torn] proved [^]all we had done. New State *sic* commissions then issued &c [torn] fficers as they yet do—see the laws of s^d session of 1777.

[torn] & foregoing extracted from the old minutes &c

By J MK Alexander

[torn] ch were the feeling and sympathiteck sensations *sic* of the Mecklenburgers, when they knew their brethren of Boston were beseiged by General Gage & in a state of Starvation, that in each Captⁿ Militia company a subscription was signed for their relief—many subscribed one Bullock—other 2 Joined for one Bullock—and none was suffered to sign but what the officers *sic* and leading men admitted, & for whom they were responsible &c And had there been a plan of goverment for their driving to Boston, 100 would have been given in the county in one week—the next news we heard—Boston had got relief—We were thanked for our goodwill—

And soon afterwards we smelt and felt the Blood & carnage of Lexington which raised all the pasions into fury—which was and revenge which was *sic* the immediate cause of abjuring Great Britain on May 19. 18 1775.

April 19. 1775. wa the battle at Lexington

9 }

The rest is torn off.

These jumbled notes are more suggestive of the truth than if they had been written coherently, and they are unimpeachable because of the honesty apparent on the face of them and the good faith exhibited in the very errors made. Indirectly and without motive they tell many things to the point which might have admitted of dispute had they been directly stated with a motive.

Mr. Alexander does not use the word convention, but the meeting he describes was a convention. It was composed of two delegates from each of the companies, elected by the members thereof. These delegates, he tells us, repeatedly and in varying language, were vested with their powers by their constituents. It is plain the men of Mecklenburg were jealous of their political rights and prerogatives. Mr. Alexander had been, to more or less extent, a public man throughout his career and he knew the character and political proclivities of the people he had so often represented. There is other contemporaneous documentary evidence that will be introduced later on to show that these people required their representatives to derive their authority for all their public acts from the people themselves. The delegates elected to this convention were known as "Committee Men" and ever after they constituted, in their entirety, the bench of justices for the county, from which a smaller number was selected to form the Committee of Safety, which acted as the executive head of affairs at this period. The body became more familiarly known to Mr. Alexander therefore as the "Committee." The order for the election and meeting was issued by Col. Polk because up to the date of this convention no committee had been formally constituted for this county. Of course the Mecklenburgers had held popular meetings and conventions before, but the delegations had not been known before by the specific name of "The Committee," nor did they exercise the

same powers and responsibilities. "The Committee" was an institution peculiar to the Revolutionary outbreak. "The Provincial Convention of August, 1774," says Mr. Hoyt, "recommended that committees of five persons be chosen in each county, but of the few counties which acted upon the recommendation, none so far as is known," he says "restricted membership to five persons." "Committees now usually called Committees of Safety were established in the counties and principal towns of North Carolina in accordance with the articles of American Association, adopted by the Continental Congress in October 1774." From these general facts Mr. Hoyt readily draws the inference that a "Committee of Safety" existed in Mecklenburg County prior to May, 1775, but he has no data for the inference. He quotes General Joseph Graham as saying that it had been the custom to select two members from each of the companies at company muster, and, "as well as I can remember, it was first practiced in the autumn of the year 1774," but this practice, if General Graham's recollection was accurate, clearly antedated the creation of the Revolutionary "Committee," with the extraordinary powers.

"Rowan County, then adjacent to Mecklenburg, furnishes one of the earliest instances," says Mr. Hoyt, of an election of committeemen from the county militia companies," and yet the first record Mr. Hoyt can produce of a Rowan Committee is "Feb. 8, 1775," just two months and twelve days before the Mecklenburg Committee was created. The record he quotes proves that the Rowan committee was the first of the Revolutionary bodies, thus specifically termed, to be created for Rowan County, in accordance with the "Articles of American Association." The order for the election as quoted by Mr. Hoyt reads:

"That it be recommended to the inhabitants of Rowan County that the several Militia Companies meet together, and each choose a Com-

mittee Man, which Committee so chosen shall meet at Salisbury the first of March, * * * particularly that the said Committee make such Resolves or adopt such Measures as may enforce the observation of the Resolves of the General Congress and most effectually secure to America her natural and political privileges."

"This resembles the order for the election and meeting in Mecklenburg referred to in the Alexander narrative," says Mr. Hoyt. Just so; the only difference being that the call for the election of the Rowan Revolutionary "Committee" was issued by a committee already in existence and the call for the election of the Mecklenburg Revolutionary "Committee" was issued by Col. Polk in the absence of any committee in Mecklenburg to perform the duty.

On the basis of these facts Mr. Hoyt proceeds to say, "The inference, then, to be drawn from contemporaneous records and the direct statements of John McKnitt Alexander and other witnesses in later years prove that a committee was organized in the fall of 1774, that a new committee was elected in May, 1775, and that this body was the 'delegation' which met in the same month and adopted the resolves which were understood to be a declaration of independence."

From this it appears that an "inference" is sufficient to "prove" a whole category of facts, as against the Declaration, while the positive testimony of a score or more of eyewitnesses in its favor, is required to be backed up with contemporaneous documentary and record evidence in every particular to be considered worthy of belief.

There are these evidences to show that "The Committee" was a smaller body and distinct from the entire body of delegates to the convention or "committee men:"

The delegation to the convention was too large and unwieldy for the purposes of a business body. The evidences show that there could not have been less than eighteen delegates, and the names of the men later enumerated by the eye

witnesses as having been delegates originally numbered thirty-two. General Graham said there were thirteen military companies in the county at the time, which would have made the delegation twenty-six. The May 31st Resolves later provided that the people should thereafter form themselves into nine companies and elect officers and committee men, two for each company, which would have limited the subsequent delegations to eighteen.

The provincial convention recommended that committees of five persons be chosen in each county and the Mecklenburgers are exceedingly likely to have implicitly followed the suggestion of this convention.

The May 31st Resolves carefully and clearly distinguished between "The Committee" and the "Convention" as has been elaborately shown.

In his "Instructions for the Delegates of Mecklenburg County" Dr. Ephraim Brevard, the clerk of the Mecklenburg committee, in paragraph 9 said, "You are instructed to vote that all claims against the public, except such as accrue upon attendance on Congress or Convention, be first submitted to the inspection of a committee of nine or more men. * * * for which purpose you are to move and insist that a law be enacted to empower the freemen of each county to choose a committee of not less than nine men," showing that "The Committee" in Mecklenburg, one of the duties of which, as laid down in the May 31st Resolves, was to manage the finances of the county, was a body of less than nine men and that Brevard was dissatisfied with it on account of the smallness of its number. Foote, who first published the "Instructions," said the paper "bears the date September 1, 1775," but Governor D. L. Swain in a letter to Lossing in 1851, (Tompkins History of Mecklenburg, p. 48) said "The Instructions * * * should bear date in September, 1776, in-

stead of 1775. I have the original papers before me." Hoyt notes and confirms this correction.

John McKnitt Alexander in his crude notes says, with reference obviously to the May 31st meeting: "But in a few days (after cooling) a considerable part of sd Committee Men convened," etc.

In his later more connected account of the May, 1775, proceedings Alexander said explicitly it was provided by the convention that "A selection from the members present shall constitute a Committee of public safety for sd County."

The next disputed question touched upon in Alexander's rough notes is that as to the secretary to the convention. It is found to be essential to the contention of the opponents of the Declaration that Brevard was the clerk of the convention, since he signed the May 31st Resolves as "clerk." Mr. A. S. Salley, Jr., who reviews the Mecklenburg controversy, including Hoyt's work, under the title of the "Present Status of the Question" for the current number of the *American Historical Review*, October, 1907, holds John McKnitt Alexander to be a "careful and honest man" passes his rough autograph notes without impeachment, treats the claim that "John McKnitt Alexander was the secretary of the body that passed the Declaration" as a mere "tradition" and quotes and endorses Prof. Phillips' statement, made in a letter to Draper, that "There is no evidence that John McKnitt Alexander claimed for himself the secretaryship in 1775." This only goes to show that Mr. Salley did not examine closely the evidences before him, evidences which, by the way, Prof. Phillips was apparently in ignorance of. In his notes, as we have seen, Alexander said the meeting chose "Abraham Alex Esquire chairman and J. McK. A. secretary." "Secretary" was written above the line and over Alexander's initials as though he at first hesitated from modesty to name himself as this of-

ficer and afterwards saw the necessity of doing so to complete the sentence.

As Mr. Hoyt says "Care was taken by [Bancroft's] copyist" (who made the facsimile of Alexander's rough notes presented by Hoyt) "to reproduce every line and letter as it appeared in the original and he imitated the handwriting in several places." Hoyt, in another place, says "It is also evident that the copyist noted the most conspicuous erasures and it seems to have been his purpose to note everything of that nature," and that no "diversity of handwriting is noted by the copyist." In the facsimile of the writing the initials of Alexander occur in the place where the name of the "secretary" of the convention would regularly occur. There is no evidence of any erasure and the word "Secretary" is the one out of line and written over the initials in Alexander's hand. When the question was first raised in 1830, Gen. Joseph Graham and Rev. Humphrey Hunter stated positively that John McKnitt Alexander was secretary William B. Alexander wrote to Nathaniel Macon, February 7, 1819, his belief that his father "acted as secretary."

"Secretary" was the usual term for this officer in a convention and "clerk" was the proper term for the officer of a committee. Alexander was secretary of the convention and Brevard was clerk of the committee. There is no conflict in this state of facts.

When the Mecklenburg Declaration was first put in print it was denounced as "spurious," "fictitious," "a fabrication" out of the whole cloth. Then the event was established by the testimony of a score of unimpeachable eyewitnesses. This closed the mouth of skepticism until the May 31st Resolves were discovered. After this paper was brought to light the opponents of the Declaration adopted the argument that while John McKnitt Alexander was honest in his belief he was mistaken; that the county did not declare its own independence,

but that the people met and solemnly declared independence of the American colonies. In Mr. Alexander's notes as we shall follow them it will be shown that he has not in the smallest essential particular misstated any fact in which the records and history of the times (closed books to him) give an insight. How, then, should he have been mistaken concerning the chief fact of all? How should he say, "We (the County) "dissolved our allegiance to King George," and "declared ourselves a free and independent people," when the county had not done so, but had done all this for the colonies? When he says "in order to have laws as a rule of life, we formed a code of laws, by adopting our former wholesome laws," the records bear him out. The May 31st Resolves themselves bear him out, for the Committee incorporated in that paper, as we have seen, a most remarkable digest of the English code of jurisprudence, executing in detail the decree of the convention. The records show the "Committee Men" acted as justices of the peace, and here, too, "The Committee" carried out the expressed will of the convention in the May 31st Resolves by defining the jurisdiction of the justices and giving them a form of procedure.

It was "in a few days (after cooling)" that "a considerable part of sd. Committee Men convened and employed Captn. James Jack of (Charlotte) to go express to Congress * * * with a copy of all sd. resolutions and Laws and a letter to our 3 members there * * * in order to get Congress to sanction or approve them, &c., &c." is a statement of the widest possible significance. The convention had done its work. It was now the province of the Committee of public safety and correspondence to represent the matter to the General Congress in a conciliatory light and submit the form of government that had been adopted for its sanction and approval. This is what the Committee undertook in the May 31st Resolves. Imagine the May 31st Resolves being read and proclaimed

as the sense of a popular meeting which had just been informed of the bloodshed at Lexington and stirred to action by it. Would such a meeting begin by addressing a nice constitutional argument on the legal status of the colonies to a distant body and wind it up with a code of laws for an independent government for the county without first having taken some action to assert their independence and also without once referring to the Lexington matter "which was the immediate cause of abjuring Great Britain?" The proposition is absurd.

Capt. Jaek went to Philadelphia and returned and Alexander in 1800 summed up the result in the words "We were premature" and the secret Moravian record of the year 1775, written in a foreign, unknown tongue and buried in these archives since 1783, was discovered in 1904, one hundred and twenty-nine years after giving a succinct statement of the Mecklenburg Declaration and concluding in these words: "This Congress, however, considered these proceedings premature." Could more complete demonstration of the fidelity of Alexander's memory after twenty-five years be conceived?

"Thus matters were carried on," Alexander tells us, "when Lord Cornwallis was in Charlotte in the fall of 1780. 'He was in a Hornet's-nest,' no communications to, or from, but the great Camden road—all firm Whigs—and they dare not cheap."

How does this accord with the truth of history as written? Foote, in *Sketches of North Carolina*, p. 505, says:

"But notwithstanding the terror of his arms, his lordship found his situation in Charlotte, which became his headquarters on the 26th of September, to be distressing and humiliating. The reasons given by Tarleton are both striking and sufficient. He says, 'Charlottetown afforded some conveniences, blended with great disadvantages. The mills in its neighborhood were supposed of sufficient consequence to render it for the present an eligible position, and in future a necessary post when the army advanced. But the aptness of its intermediate

situation between Camden and Salisbury did not counterbalance its defects.

"It was evident, and had been frequently mentioned to the King's officers, that the counties of Mecklenburg and Rohan [Rowan] were more hostile to England than any others in America. The vigilance and animosity of the surrounding district checked the exertions of the well-affected and totally destroyed all communication between the King's troops and the loyalists in other parts of the province. No British commander could obtain any information in that position which would facilitate his designs, or guide his future conduct.

"The town [Charlotte] and its environs abounded with inveterate enemies, etc.

* * * * *

"After speaking of the almost entire impossibility of obtaining correct information concerning the movements of the Governor and Assembly—the preparations of the militia, and the forces and designs of the Continentals, Tarleton dwells at large upon the difficulty of obtaining provisions while he remained in Charlotte. * * * * *

"He says 'the foraging parties were every day harassed by the inhabitants who did not remain at home to receive payment for the product of their plantations, but generally fired from covert places, to annoy the British detachments. Ineffectual attempts were made upon convoys coming from Camden, and the intermediate post at Blair's mill—but individuals with expresses were frequently murdered. An attack was directed against the piquet at Polk's mill, two miles from the town. The Americans were gallantly received by Lieut. Guyon of the Twenty-third Regiment; and the fire of his party, from a loop holed building and joining the mill repulsed the assailants.

"Notwithstanding the different checks and losses sustained by the militia of the district they continued their hostilities with unwearied perseverance; and the British troops were so effectually blocked in their present position that very few out of a great many messengers could reach Charlottetown, in the beginning of October, to give intelligence of Ferguson's situation."

Here, then, is the famed Tarleton corroborating in detail one part of Alexander's statement.

Alexander says "the first or 2d. court held in Charlotte after Lord Cornwallis retreated" was a "Special Court of Enquiry which set by regular adjournments at Charlotte—at Colo. James Harris—at Colo. Phifers one week at each place—to which places all suspicious persons were brought

under Guard—formally tried—some from Lincoln and Rowan Countys—and even Booth and Dunn (lawyers) from Salisbury were convicted and ordered off under Guard with several others.” The old court records at Charlotte confirm this statement, with the exception of the last part of it referring to “Booth and Dunn.”

Boote and Dunn were two Tory attorneys, who were reported to have interfered with Capt. Jack at Salisbury after the papers he was carrying to Philadelphia were read in court there. The Mecklenburg Committee in its political capacity had these men brought from Salisbury and after trial and conviction committed them to prison. There was a record made of the case in the Provincial Congress of August, 1775, before which it was brought by the wives of Boote and Dunn and the judgment of the Mecklenburg Committee was allowed to stand. This case, of course, antedated the “Special Court of Enquiry” to which Alexander refers and with which he confuses the Committee of Safety as it was originally organized in Mecklenburg in 1775.

Finally, in the last of his rough notes as preserved, Alexander, after referring to the siege of Boston, emphasizes for the second time the Lexington affair as follows: “And soon afterward we smelt and felt the Blood and carnage of Lexington which raised all the passions in to fury and revenge, which was the immediate cause of adjuring Great Britain on May 19, 1775.”

And yet we are asked to believe that this man, whose memory was so accurate and tenacious of all other details, was at fault in this chief particular, which he twice emphasized.

The writer is at a loss to know how and why these rough notes have been neglected hitherto by the participants in this controversy and why they have not before been put in public print. He has always known of them in a vague way, but until the publication of Mr. Hoyt’s work he had never seen

this historic fragment. Suffice it to say the notes tell the story of the Mecklenburg Declaration in a way that never can be successfully impeached. They are the best evidence of the proceedings of the convention, in the absence of the original records. They are the autograph story of what the records contained, told by their custodian and supported by every item of material evidence, rightly construed, that has been brought to light in the hundred years nearly that the enemies of the Declaration have sought to pull down and discredit it.

CHAPTER VII.

INTERNAL EVIDENCE OF MAY 20 DECLARATION

In the chapter immediately preceding this we made a study of John McKnitt Alexander's rough notes of the May 19-20 convention and its proceedings. After John McKnitt Alexander died in 1817 these mutilated notes were found among his old papers, stitched together with a fuller and more connected account of the proceedings in an unknown handwriting. When Nathaniel Macon, in 1819, applied for information relative to the Mecklenburg Declaration he was furnished through Congressman Davidson with "a full account of the disputed event" prepared by Dr. Joseph McKnitt Alexander from the papers left by his father, John McKnitt Alexander. This account, at the instance of Senator Macon and of Col. Wm. Polk, was published in the Raleigh Register, Friday, April 30, 1819, and gave birth to the controversy that has raged ever since. Dr. Joseph McKnitt Alexander attached a certificate to the account stating that "the foregoing is a true copy of the papers on the above subject, left in my hands by John McKnitt Alexander, dec'd." He said also he found it "mentioned on file" that a copy of the proceedings was sent to Hugh Williamson in New York, then writing a history of North Carolina, and that a copy was sent to Gen. W. R. Davie." Dr. Alexander attached the signature, "J. McKnitt" to his account and certificate. Governor William A. Graham in his Address in 1875 said, "Dr. Joseph McKnitt Alexander usually omitted his surname in his signature because of the commonness of the name Alexander in Mecklenburg, and was frequently spoken of and addressed as 'J. McKnitt.'" Hoyt, in a footnote, says he "has seen several of his private letters, all bearing this signature."

In 1830, when the publication of Jefferson's works reopened the controversy and the State Legislature took the matter up and called for John McKnitt Alexander's original papers, Dr. Joseph McKnitt Alexander, in turning these over to the body, certified that the rough notes and the account in an unknown handwriting "were found after the death of John McKnitt Alexander in his old mansion house in the center of a roll of old pamphlets. * * * * which papers have been in my possession ever since." He also said that in copying the account he had "always taken from the one which is entire, where the other is lost," "meaning without doubt," says Hoyt, "that he prepared from them the paper published in 1819."

Dr. Alexander's account of the proceedings and declaration, as published in 1819, follows the outlines given in his father's rough notes, only these are filled and rounded out and in some places are attempted to be improved on in a somewhat bombastic and unnatural style of rhetoric. Incorporated in the account are the five resolutions comprising the declaration. The language and style of the resolutions are superior to the rest of the paper. The resolutions are more direct, vigorous, forcible and original. There is some tautology, but this seems to have been a common fault of the time, even the great Chatham, in one of his most finished sentences, perpetrating the expression "I declare and avow." Mr. Hoyt says of the resolutions: "The style resembles that of Alexander's notes and many words and phrases of the narrative and resolutions are found in the notes, but this is a far more scholarly paper." After referring to "the striking expressions of the resolutions containing the declaration itself—and they are very striking," he repeats with emphasis, Mr. Hoyt goes on to say "There are indications that Alexander entrusted to some person of greater literary skill than himself the work of preparing from his notes a more fitting memorial

of the Declaration of Independence," etc. The writer fully agrees with Mr. Hoyt in his judgment of the literary character of the resolutions and in the opinion that they are written in a style superior to the rest of the paper but the inference the writer draws is the plain straight-forward conclusion that "the style of the resolutions resembled that of Alexander's notes" because the notes were what they purported to be, a first attempt to recall the substance of the resolutions, which were in great measure familiar to Alexander, at a time when he did not have a copy of them before him. This would appear to be a more tenable inference to draw than that a man who had proved himself by every fair test to be scrupulously honest and whom the author himself conceded to have been scrupulously honest, should have deliberately lent himself to a fabrication in this one instance.

Mr. Bancroft's copyist was at pains to compare Dr. Alexander's account as printed and the narrative in an unknown handwriting which John McKnitt Alexander left attached to his rough notes, and Mr. Hoyt has ingeniously reconstructed the manuscript in the unknown handwriting, including the variations, from the notes of Bancroft's copyist and the account of Dr. Alexander as printed. . Hoyt says:

"The published document is not quite word for word the same as what appeared in the manuscript in an unknown handwriting, but this was due for the most part to emendations made when it was first printed from Dr. Joseph McKnitt Alexander's letter to William Davidson. Colonel Polk's transcript of that letter shows that in copying the manuscript in an unknown writing Dr. Alexander inserted 'Resolved' before each resolution and 'A. M.' before '2 o'clock' in the accompanying narrative, and omitted the words 'civil and religious' in the third resolution, a line of the narrative immediately following the resolutions, and the word 'up' in the phrase following the omitted line. With these exceptions he copied accurately."

Not quite. There was one other omission made by Dr. Alexander which might have appeared insignificant to a copyist who, at the time, did not regard it as vital to reproduce

every word and letter accurately, but which has an important bearing on the sequel. He dropped the two lines immediately following the resolutions: "*A selection from the members present shall constitute a Committee of public safety for sd County.*" This one sentence holds the key to the problem created by the two sets of resolutions, and Dr. Alexander, if he could have foreseen the future and designed it, could not have dealt the cause of the May 20 Declaration a more insidious blow than by leaving it out.

THIS SENTENCE ANTICIPATED AND ACCOUNTED FOR THE MAY 31ST RESOLVES AND THE BODY THAT ADOPTED THEM FULLY THIRTY-EIGHT YEARS BEFORE THEY WERE BROUGHT TO LIGHT AFTER THEIR LONG SLEEP.

"A comparison of the foregoing papers," Mr. Hoyt says, "reveals unmistakable evidence that the paper in an unknown handwriting was prepared from Alexander's notes." Yet he says: "It seems hardly possible that the author of the halting, ungrammatical, yet labored, notes could have composed the second paper, which evinces an incomparably higher degree of literary ability, although the two papers have a similarity of style."

The similarity of style between Alexander's notes and the connected narrative he left attached to them which puzzles Mr. Hoyt is unmistakable. The marked vein of bombast and the trick of tautology runs through both the notes and the narrative. Mr. Hoyt's opinion that "it seems hardly possible," one author could have written both is without substance to support it. Any one not accustomed to making notes will find the result of an attempt to do so "halting," "disjointed," and "labored." It is a more difficult task than to write a connected sentence. The narrative in the unknown hand was unquestionably the work of John McKnitt Alexander. It was an elaboration of his notes. There was a counterpart of it (unknown in 1819) in the handwriting of John McKnitt

Alexander deposited with Gen. William R. Davie. The narrative in the unknown handwriting from which Dr. Alexander copied was corrected in two places by John McKnitt Alexander, showing that it had been copied under his supervision and endorsed by him. It is therefore certain that John McKnitt Alexander was sponsor for the narrative of the Mecklenburg proceedings.

The writer agrees with Mr. Hoyt, however, in the view that John McKnitt Alexander could not have written the resolutions containing the declaration. And further, the writer holds that no mere forger, however ingenious, could in 1800 have manufactured a paper with verbiage, feeling and sentiment so peculiar to the early Revolutionary period, a quarter of a century before, as the May 20 Declaration bears on its face. It was true, as John Adams said, that "the genuine sense of America" at that period "was never so well expressed before, nor since." It is usual for adverse critics to say that the Mecklenburg Declaration followed the form of the National Declaration because it contained some phrases in common with it which were in popular use at the time, but the criticism is gratuitous and unwarranted. There can be nothing further apart than the essence of the form of the two declarations. The National Declaration is dignified, argumentative, calm and contemplative. The Mecklenburg Declaration is alert, bold and aggressive with instant action. The National Declaration begins with philosophic theories on the rights of man, the discussion and formulation of abstract political propositions. The Mecklenburg Declaration goes at once to the heart of the Continental situation:

"1. That whosoever directly or indirectly abetted, or in any way, form or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain is an enemy to this Country—to America—and to the inherent and inalienable rights of man."

A study of the language of this opening resolution affords the best evidence of the intrinsic integrity of the Declara-

tion. It is not the language of Jefferson's paper. The chief thing discoverable concerning it is that it is the language of 1775—not the language of 1800. Words belong to and frequently mark epochs. "Abet," "abetted," and "abettors," "countenanced," "unchartered," "dangerous invasion," "inalienable rights" are words which constantly recur in the patriotic and political papers of 1775. The entire combination of words are electric with and expressive in epitome of the history and sentiment of the Continent in the first year of the Revolution. The "charter" was a familiar word in the mouths of the people. The "dangerous invasion" of it was a conception prevalent in this year. The King's ministers were charged with abetting the invasion of the charter and the chartered rights of the people. The phrase the "unchartered and dangerous invasion" was a bold one, smacking of original coinage in the first word that marks it as peculiarly belonging to 1775. It was clearly beyond the ability of John McKnitt Alexander to express himself in English so direct, virile and original as this. In 1800 the Constitution had taken place of Magna Charta in the public mind and it would indeed have been an uncommon forger who in this year should not only simulate the patriotic feeling of 1775, but who should speak in its spontaneous language.

"Rights inalienably ours" is a phrase which occurs in the Articles of Association adopted by Congress in 1774.

Here is a significant circumstance: In his rough draft never put into print and which was unknown to anybody in 1800 and earlier Jefferson wrote:

"that they are endowed by their
certain

Creator with [inherent &] unalienable rights."

"Inherent &" were cut out and the passage as printed read "certain unalienable rights," etc.

In the Mecklenburg Declaration the phrase reads "inherent and inalienable rights."

It is apparent that both the author of the Mecklenburg paper and Jefferson employed the phrase as popularly current and part of it was "weeded" out in Jefferson's paper while it went entire in the Mecklenburg document.

If the author of the Mecklenburg Declaration looked to Jefferson's paper as known for his language how came he to add the missing words to the phrase?

The second resolution reads:

2. We the Citizens of Mecklenburg County do hereby dissolve the political bands which have connected us to the Mother Country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract, or association with that nation, who have wantonly trampled on our rights and liberties—and inhumanly shed the innocent blood of American patriots at Lexington.

This resolution is filled with the fire and passion of the moment rising to a climax in the direct, vigorous denunciation of the British Nation "who have wantonly trampled on our rights and liberties—and inhumanly shed the innocent blood of American patriots at Lexington." Is there anything so direct and passionate in Jefferson's paper? The tone of Jefferson's paper is different. It strove to be judicial and dispassionate as befitted the weight and magnitude of the question upon which it passed. The Mecklenburg paper gave alouse to the indignation of its framers in a natural torrent of words and without restraint. Some of the words and phrases in this resolution occur in the Jefferson Declaration, but they were popular words and phrases of the time and they fit naturally in the text of the resolution, showing that the resolution was not made to them but that they were employed because they best expressed the sentiment of the resolution.

Mr. Hoyt, in pursuance of his apparent theory that John McKnitt Alexander engaged some one more skilled to write

the narrative and resolutions, quotes the phrases common to the two declarations and exclaims in italics: *None of these expressions are to be found in John McKnitt Alexander's notes.* And yet Mr. Hoyt had just printed in parallel columns with this second resolution the first of John McKnitt Alexander's notes briefing the resolutions, as follows:

1st. *We (the County) by a . .*

abjured

Solemn and awful vote, *Dissolved* our *allegiance* to King George & the *British* Nation.

And Mr. Hoyt had employed the parallel column to prove that the resolutions were based on John McKnitt Alexander's notes.

The third resolution reads:

3. We do hereby declare ourselves a free and independent people, are, and of right ought to be, a Sovereign and self-governing Association, under the control of no power other than that of our God and the General Government of the Congress to the maintenance of which independence, civil and religious we solemnly pledge to each other, our mutual co-operation, our lives, our fortunes and our most sacred honor.

This resolution contains the bulk of the phrases which Mr. Jefferson's friends originally charged the Mecklenburg Declaration cribbed from him. As has been shown each and all the phrases here used had been used in state papers before Jefferson wrote the Declaration and the major portion of them, so far from being original with him, were not even penned by him in his own draft of that paper. Richard Henry Lee first in Congress used the phrase that "these united colonies are, and of right ought to be, free and independent States, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved." He moved the Declaration of Independence on June 7, 1776, in these words and they were debated nearly a month before Jefferson's draft of the Declaration was acted on. Doubtless the phrase in some shape was in popular use as the consensus

of the sentiment of the country before Mr. Lee offered it for the consideration of the Congress.

The writer has also shown in another place by various citations that the phrase "our lives, our fortunes and our sacred honor" was a common expression of the time.

Before dismissing the second and third resolutions, which bear the brunt of the charge of plagiarism, the word "Association," which occurs in both resolutions in connection with the central theme of each, must be considered. "Association" is a word that belongs intimately to the year 1775 and anterior thereto. In 1774 and 1775 the people in each locality "associated themselves for defence against their foes." In October, 1774, the Continental Congress had adopted the Articles of Association. "The Association" was a household term in Mecklenburg County. There is record evidence for believing that it was the rule for the friends of liberty in Mecklenburg each to sign the Articles of Association. An original paper* was furnished by Major John Davidson, dated "Mecklenburg County, November 28, 1775," signed "Abr'm Alexander, Chairman of the Committee of P. S.," in which the chairman certified "the bearer hereof, William Henderson, is allowed here to be a true friend of liberty, and signed the *Association*." But the word was already out of date as a history-making one in 1776, when the Continental Congress had largely succeeded to the responsibilities of the local associations, and it does not occur in Jefferson's paper. And yet we are asked to believe that some well-nigh illiterate forger of 1800 fitted this epochal word in its place in the Declaration, bearing, as it there does, the stamp of inspiration and spontaneity.

John McKnitt Alexander's brief of the third resolution is:

2d. Declared ourselves a *free and independent people*, having a *right* and capable to govern ourselves (as a part of North Carolina).

*State Pamphlet.

We doubt if Mr. Hoyt with all his scientific skill could brief this resolution more comprehensively and succinctly. Notwithstanding its tabloid character, however, Alexander employed several words which occur in Jefferson's Declaration. It is obvious, however, that Alexander did not consciously harbor any designs on Jefferson's document because, as Mr. Hoyt points out, he managed to steer as clear of the phrases in Jefferson's Declaration as it was possible to do.

The fourth resolution reads:

4. As we now acknowledge the existance and control of no legal officer, civil or military, within this county, we do hereby ordain and adopt, as a rule of life, *all, each and every* of our former laws, wherein, nevertheless, the Crown of great Britain never can be considered as holding *rights, privileges, immunities* or authority therein.

This resolution is strongly marked with verbiage peculiar to 1775 that no mere forger in 1800, who had not been an actor in 1775 and consequently intimately familiar with the state papers of that year, could by any possibility have manufactured. Parenthetically it is to be remembered that the records of 1775 and 1776 to which we of today have access were closed books to those of the generation in 1800 who were not familiar with them at first hand. In the "Test Oath" formulated with the help of some of the members of the Mecklenburg convention of May 20 and signed at Hillsboro, August 23, 1775, is the following significant phrasing: "And we do solemnly and sincerely promise and engage, under the Sanction of virtue, Honor, and the Sacred love of Liberty and our Country to maintain and support *all and every the Acts, Resolutions,*" etc.

This marked phrasing occurred notably in one other paper of this period, in Dr. Ephraim Brevard's "Instructions." Section 5 begins "You are instructed to vote that *all and every person,*" etc. Also a cognate idea with "the Crown of Great Britain never can be considered as holding *rights,*

privileges, immunities or authority therein" is found in his instruction "to vote for the Execution of a civil government under the authority of the People for the future security of all the *Rights, Privileges* and *Prerogatives* of the State," etc. In the resolutions adopted by the first continental Congress in 1774 reference is made to the "*immunities and privileges* granted and confirmed to them [the people] by the royal charters."

The fifth resolution reads:

5. It is also further decreed, that *all, each and every* military officer in this county, is hereby reinstated to his former command and authority, he acting conformably to these regulations. And that every member present of this delegation shall henceforth be a civil officer, viz: a Justice of the Peace, in the character of a "Committee Man" to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, and union, and harmony, in said county—and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province.

In this resolution is repeated the pet phrase "*all, each and every,*" denoting an ear mark of the author. Mr. Hoyt finds a significant circumstance in the quotation marks enclosing the words "Committee Man." His theory is that the skilled writer to whose hands John McKnitt Alexander committed the task of writing out the narrative and Declaration based on his notes, and which skilled writer nevertheless followed Alexander in committing all the minor errors discoverable in the notes was unfamiliar with the words "Committee Man," (words belonging peculiarly to 1775) and that he signified this by putting them in quotation marks. Mr. Hoyt presents this copy of the Declaration as the "Davie Copy." It appears from the facts collated that it was a copy made by an unknown copyist from the original Davie draft under Mr. Alexander's supervision. It is evident that a mere copyist would fall into Mr. Alexander's errors and put the words

“Committee Man” interrogatively in quotation marks, while the skilled writer Mr. Hoyt theorizes about, in his effort to explain the superior literary character of the resolutions, would neither be ignorant of the meaning of “Committee Man” or repeat the patent errors made by Alexander. It remains to be said of the fifth resolution that the records of the county show that the provisions made therein were acted on in the conduct of the local government.

So much for the internal evidence of the resolutions in detail comprising the May 20 Declaration. Taken as a whole with the narrative in which they are incorporated they present an interesting study in literary character. John McKnitt Alexander was a land surveyor. He was thrown in the way of becoming familiar with the technical language of deeds. Later he was an officer of the court, he acted as clerk from time to time and held the office of Justice of the Peace. He acquired a smattering of legal phrases. He had a taste for composition, but not a high order of talent. He interlarded his sentences with the word “said” in the legal fashion. His more ambitious rhetorical efforts inevitably degenerated into bombast. The narrative part of this history of the Mecklenburg Declaration as originally printed is quite in keeping with his style. The resolutions are of a different order of merit. Tautology is the only technical fault to be found with them. The vein of bombast disappears in them absolutely. The word “said” occurs in them but in one instance and then not unnecessarily. John McKnitt Alexander, it is clear, did not write the May 20 Declaration.

Dr. Ephraim Brevard is the reputed author of the Mecklenburg Declaration. The eye witnesses say he was the chairman of the committee on resolutions and, for his “known talent for composition,” was selected to write them. Mr. Hoyt and all historians and students of this event unanimously agree that Brevard was the author of the paper put forth by the May, 1775, convention.

What other evidence is there that Dr. Brevard wrote the Declaration?

The ear marks of Dr. Brevard are written through and through the May 20 resolutions. There is not an ear mark of Dr. Brevard in the May 31st Resolves.

Dr. Brevard's style was to go at once to the heart of his subject, without preliminary flourish. Waightstill Avery's manner was to introduce his resolutions with a preamble. Instances: Brevard begins his notable "Instructions" with the figure 1 and the words "You are instructed." Waightstill Avery drew the act passed in 1777 incorporating the Queen's Museum College under the name of Liberty Hall Academy. The act is introduced with the preamble "Whereas the proper education of youth in this part of the country is highly necessary," etc. The May 20 Declaration plunges at once into the subject without other introduction than the figure 1. The May 31st Resolves are introduced with a preamble setting forth the legal status of the colonies, in view of the alleged abdication of George the Third. The Declaration is Brevard's style. The May 31st Resolves is Avery's style.

Note the passages in common between the Declaration and Dr. Brevard's "Instructions." The phenomena begins with the first sentence and involves the famous Lee resolution:

"1. You are instructed to vote that the late province of North Carolina is *and of right ought to be, a free and independent State,*" etc.

In section 2 occurs the phrase already noted "*Rights, Privileges and Prerogatives,*" and the further phrase "*unalienable Rights,*" claimed as Jefferson's exclusive property.

In Section 5 occurs the phrase "*all and every.*"

Section 7 begins with, "You are instructed to move and insist that the people you immediately represent be *acknowledged to be a distinct county of this State* as formerly of the late province, with the additional privilege of annually elect-

ing in their own officers, both civil and military, together with the election of Clerks and Sheriffs, by the freemen of the same." This insistence on local autonomy in itself sustains the Declaration as against the May 31st Resolves as the genuine expression of the people of Mecklenburg. This sentence has significant bearings which will be referred to again.

Section 9. "You are instructed to vote that all claims against the public * * * be first submitted to the inspection of a committee of *nine or more men* * * * to *choose a committee of not less than nine men*," indicates that "The Committee" in Mecklenburg that authorized the May 31st Resolutions was a body of less than nine men and not a delegation of from twenty-six to thirty-two, such as constituted the May 1775 convention.

Section 10 instructs the delegates to the Provincial Congress "to refuse to subscribe any *ensnaring tests*," probably an echo of resentment against the delegates for subscribing to the "Test Oath" at Hillsborough after the adoption of the Mecklenburg Declaration.

Section 13 instructs the delegates to vote for the "establishment of the Christian Religion as contained in the Old and New Testaments * * * and that the full and free and peaceable enjoyment thereof be secured to *all and every* constituent member of the State as their *unalinable right* as Freemen," for the second time employing one of the phrases appropriated by Jefferson.

It is certain, then, that Dr. Brevard in his "Instructions" in September, 1776, employed the words "*is and of right ought to be, a free and independent State*," and the phrase "*unalienable Rights*" twice without enclosing either in quotation marks. Was Dr. Brevard a plagiarist or forger? He was not so reputed. In 1819, a paper reputed to have been written by Dr. Brevard in May, 1775, containing these phrases was first made known generally to the world through

the public prints, and the charge was immediately made that it was plagiarism and forgery. What is the explanation? In 1775 and 1776 these phrases were a part of the parlance of the day. No one quoted them because they were common property. In 1819 they were remembered by the public entirely in connection with Jefferson's Declaration and Jefferson himself imagined he had originated them, which we now know that he had not.

Brevard was at once a rigid professor of Presbyterianism and a stickler for freedom of conscience and choice of creeds within the Protestant Christian pale. He coupled the Christian and the citizen together in his state papers. He could not write a state paper without making reference in some part of it to religion. In resolution 3 of the Declaration he wrote "under the control of no power other than that of our God and the General Government of the Congress, to the maintainance of which independence, *civil and religious*, we solemnly pledge," etc. Dr. Joseph McKnitt Alexander in copying the Declaration, among his more than impartial omissions, dropped the significant words "*civil and religious*" which thanks to Bancroft's copyist is restored to us complete. Brevard devotes two of his longest sections of the "Instructions" to "religious" liberty. Sections 13 and 14.

"14. You are instructed to oppose to the utmost any particular church or set of clergymen being invested with power to decree rites and ceremonies * * * You are also to oppose the establishment of any mode of worship to be supported to the opposition of the rights of conscience. * * * You are moreover to oppose the establishing of an ecclesiastical supremacy in the sovereign authority of the State."

It is scarcely within the bounds of probability that an author who in 1776 gave religion such prominence in a state paper as here shown should have framed a more lengthy paper on similar lines in 1775 and never once have made the most

distant reference to God or religion in its entire context. But this is what Brevard did if he wrote the May 31st Resolves and not the May 20th Declaration. But here is marked distinctly the cleavage between the personalities of Waightstill Avery and Brevard, the two foremost intellectual entities shaping the proceedings of the Mecklenburgers in May 1775, and in some measure counteracting each other. Brevard's was a blended descent from French Huguenot and Scotch-Irish extraction, which sufficiently accounts for his strong predilection for Presbyterianism and his clear-cut pronounced views on religious liberty. Lyman Draper says the Averys were an English family of a Hungarian origin. Waightstill Avery doubtless laid little stress on the religious proclivities of his Scotch-Irish fellow citizens, but he was the "shrewd" clear-sighted lawyer, shaping affairs as far as he could to practical ends. It was he who codified the English practice into a system of government for the independent county and gave it a plausible setting in the memorial of May 31st to Congress which he hoped might commend the revolutionary proceedings to the approval of Congress.

Governor D. L. Swain said "So far as Mecklenburg was concerned, the war of the Revolution was a war waged mainly for religious liberty, and this was the seminal principle which made it 'the most rebellious county in America.' "

And yet the May 31st propagandists would have us believe that the Mecklenburgers took their first step in inauguration of this war on the heels of the Lexington battle without once referring to Lexington or religion in their proceedings.

CHAPTER VIII.

DAVIE COPY AND CHARGES OF FORGERY.

In 1819 when the account of the May 20 proceedings and Declaration in Mecklenburg was published to the world in the *Raleigh Register* Dr. Joe McKnitt Alexander, the son, copied the account from a paper in an unknown handwriting, corrected in two places by his father and left by him attached to his rough notes. Dr. Alexander in certifying to the correctness of the copy made by him said he found it "mentioned on file * * * that a copy was sent to Gen. W. R. Davie." In 1820, after the death of Gen. Wm. R. Davie, Dr. Samuel Henderson, the clerk of the Mecklenburg Superior Court, "in searching for some particular paper" among Gen. Davie's papers "came across" the Davie copy. "Knowing the handwriting of John McKnitt Alexander," said Dr. Henderson, in his certificate to the legislative committee in 1830, he "took it up and examined it. Maj. Davie [son of Gen. Davie] said to me (when asked how it became torn) his sisters had torn it, not knowing what it was." Dr. Henderson also certified that after finding the Davie copy he gave it to Dr. Joe McKnitt Alexander. "This paper is somewhat torn, but is entirely legible," said the committee in its report to the General Assembly at the session of 1830-31. Dr. Joe McKnitt Alexander in his certificate given at this time to the legislative committee said:

"As to the full sheet being in an unknown handwrite, it matters not who may have thus copied the original record; by comparing the copy deposited with Genl. Davie they two will be found so perfectly the same, so far as his is preserved, that no imposition is possible—the one from the same original as the other is conclusive."

Governor Stokes in his preface to the State Pamphlet reviewing the evidence adduced, said of the Davie copy: "This identical copy, known by the writer of these remarks to be in the handwriting of John McKnitt Alexander, one of the secretaries of the Mecklenburg meeting, is now in the executive office of this State." The preface to the State pamphlet was written for Governor Stokes by Hon. D. L. Swain, subsequently himself Governor. The above statement as to the identity of the Davie copy and its having been in the handwriting of John McKnitt Alexander, is therefore here vouched for by two Governors of the State. Later Governor Swain had custody of all the papers which were in evidence before the Legislature. Judge Romulus M. Saunders delivered an address on the Mecklenburg Declaration at Wake Forest College in 1852. Hoyt says: "When preparing this address Judge Saunders examined all the documents on the Mecklenburg Declaration then in the possession of Governor Swain." Judge Saunders described the Alexander manuscript as

"Two papers, furnished by Dr. Alexander, who certifies that they were found by him among some old pamphlets of his father's, the one a half sheet in the handwriting of John McKnitt Alexander, the other a full sheet in some unknown hand. These papers were stitched together; the half sheet is an old paper, and from its appearance, I should say in all reasonable probability is the oldest manuscript we have of the meeting of May, 1775. The other sheet gives the same statement and resolutions as published, and *has one or two corrections*, in the handwriting of John McKnitt Alexander."

In 1851 Governor Swain, then president of the North Carolina University, in a letter to the historian Lossing replying to his inquiries about the Declaration, said "The Davie paper, as we call it, shown to be in the handwriting of John McKnitt Alexander, in whose house the original was burned in April, 1800, was written in September, 1800, about five months after the destruction of the records."

Dr. Foote, in his Sketches of North Carolina, says Judge Duncan Cameron told him he was "well acquainted with Mr. Alexander," that "Revolutionary matters were frequently the subject of conversation" between them, that "some time after the fire that consumed Mr. Alexander's dwelling and many of his valuable papers he met the old man in Salisbury. Referring to the fire Mr. Alexander lamented the loss of the original copy of the document, but consoled himself by saying that he had himself given a copy to Gen. Davie some time before which he knew to be correct, 'so,' says he, 'the document is safe.' "

Governor Swain in a letter to Mr. Bancroft in 1858 said "I know no living man whose testimony is entitled to higher consideration than that of * * * Judge Cameron."

In 1858 Governor Swain, answering a letter from H. S. Randall, who was writing a life of Thomas Jefferson and wrote Swain an enquiry about the Mecklenburg documents, said:

"You remark that the main question, so far as Mr. Jefferson is concerned, is this: "Is the Alexander copy of the Mecklenburg Resolutions genuine?' *The paper is unquestionably genuine. I have it before me in the well-known handwriting of John McKnitt Alexander.*"

One of the earliest and bitterest of the defenders of Jefferson from the implication of plagiarism, in view of the Mecklenburg Declaration, which, in common with Jefferson's own paper, employed the phrases of the Lee resolution and other current phrases of the time which the author possibly of neither declaration originated, and which Jefferson assuredly did not originate, was Prof. Charles Phillips, of the North Carolina University. Prof. Phillips "enjoyed the privilege of examining the originals of all these documents when they were in the possession of Governor Swain," says Mr. Hoyt. Prof. Phillips is the authority for the John McKnitt Alexander "memory" certificate which Mr. Hoyt accepts absolutely.

Prof. Phillips in his letter to Paul B. Means, in 1879, stated that the Davie copy was entire when Governor Swain first saw it. Mr. Hoyt asserts that Prof. Phillips was in error in this latter statement, but he does not offer anything in evidence as to the error.

Here, then, were Governor Stokes, Governor Swain, Prof. Phillips, the legislative committee who examined the evidences, and the whole world, or so much of the world as was concerned in learning the truth about it, through the invitation of Dr. Alexander to compare the copy in the unknown handwriting with the Davie copy and see that they were "perfectly the same," sponsors for the good faith of Dr. Joe McKnitt Alexander in the claim that the copy of the paper as furnished by him was true to the original in John McKnitt Alexander's handwriting. Dr. Alexander could do no more than exhibit the two papers and invite the whole world to inspect them. Those immediately concerned did inspect them and put on record in the most solemn manner the truth of Dr. Alexander's statement.

But in the face of the establishment of these facts by a public investigation and by the unimpeachable declarations of men like Governor Swain and his compatriots, there have been those to charge Dr. Joe McKnitt Alexander with forgery in connection with the history of the Declaration. Prof. Phillips, who was a great admirer of Jefferson, was indignant at "the assertion or insinuation that Jefferson borrowed from Mecklenburg." He was suspicious of some of the erasures and interlineations made in the original papers already referred to, and he distrusted Dr. Alexander because, as he said, these showed "that the younger Alexander tried to set forth a poem in Alexandrian measure." If he made any such attempt it was a work of supererogation on the part of Dr. Alexander, for the "Alexandrian measure" certainly did not need any meretricious help to make it prominent in the

Mecklenburg event. But Prof. Phillips, who had the papers before him, despite his suspicions of Dr. Joe McKnitt Alexander and his animosity to the Mecklenburg Declaration, said the Davie paper and the paper in the unknown handwriting were "identical with respect to the resolutions" as Mr. Hoyt admits. "His letter to Randall and the manner in which the *Raleigh Register's* copy of the resolutions prepared by Dr. Alexander from the manuscript in an unknown handwriting are treated, in his article in connection with the certificate of the Davie paper, evince his [Phillips'] belief that with the exception of the 'Alexandrian measure' the Davie paper originally contained what appears in the manuscript in an unknown handwriting."

Mr. Hoyt fairly threshes out this issue with Prof. Phillips, after an exhaustive study of the originals, and decides it against him. He says "The results of the investigation made by the North Carolina legislative committee of 1830-31, published in July, 1831, in the State Pamphlet, afford ample proof that as much of the mutilated Davie paper as remained when it was unearthed, which seems to have been more than Prof. Phillips found in 1853, agreed in every respect with the manuscript in an unknown handwriting. * * * Since the committee said it examined all documents which were accessible, we must believe that it was after making the comparison thus invited that it concluded the Davie paper originally contained all that appears in the manuscript in an unknown handwriting and the honesty of Dr. Joseph McKnitt Alexander can no longer be questioned. The corrections, interlineations, and erasures in the manuscript in an unknown handwriting are in keeping with its character as a draft of the Davie copy, but certainly out of place in a paper fabricated to pass as a transcript of an original record." "Professor Phillips' case cannot be proved by such flimsy evidence as this," Mr. Hoyt says in disposing of this point.

But poor Joe McKnitt Alexander has at this late day encountered a direr foe than the redoubtable Phillips, who was restricted in his charges of forgery against him by the evidence of the documents before him and by an acquaintance with and some respect for the fundamental facts in the case. The newest champion of the Anti-Mecklenburg cause, who signally unmasks Dr. Joseph McKnitt Alexander, is Mr. A. S. Salley, Jr., who recently rediscovered the May 31st Resolves in the Charleston Library, originally discovered by Dr. Johnson, at the instance of Governor Swain, in 1847, and who dubbed these by-laws and regulations "The True Declaration." Mr. Salley, as previously mentioned, reviewed the Mecklenburg controversy to date, including Mr. Hoyt's work, in the *American Historical Review* for October, 1907. He is enthusiastic in praise of Mr. Hoyt's book, which, he says, is "the most scholarly work yet presented on this much-mooted question and has done it according to the most approved methods of the school of scientific history, 'minute and accurate investigation, reserved judgment, impartial feeling, a fondness for institutions rather than for personalities, and a touch of iconoclasm in dealing with the accepted facts of the old school. * * * Mr. Hoyt deserves the thanks of the real students of history—those who love truth because it is truth.'"

But Mr. Salley evidently feels that Mr. Hoyt's "approved 'scientific' methods" failed in dealing with so desperate a case as that of Dr. Joseph McKnitt Alexander. Mr. Hoyt, he objects, failed to positively point out the forger. "He accepts in good faith Dr. Joseph McKnitt Alexander's irreconcilable statements that the paper had been 'left in my hands by John McKnitt Alexander, dec'd' and that it had been 'found after the death of Jno. McKnitt Alexander in his old mansion house in the centre of a roll of old pamphlets,' " is Mr. Salley's first astute observation in opening his guns on Joe McKnitt Alexander's devoted head.

Doubtless Mr. Hoyt understood that when a man died he left his goods and muniments in the hands of his heir by operation of law, and that there was nothing "irreconcilable" between Dr. Alexander's statements, made with an interval of eleven years between, that his father left the paper in the son's hands and that it was found among the papers in his old mansion house to which the son succeeded.

Accuracy of statement is not a talent, but an acquirement obtained through practice. For an unpracticed writer Dr. Alexander's statements here criticised are reasonably consistent. He certainly was devoid of any consciousness of design in varying the form of his statement such as Mr. Salley, for instance, must have had when he confined himself to quoting half the sentence in Dr. Alexander's latest certificate and deprived him of the benefit of this clause: "*which papers have been in my possession ever since.*" This concluding clause of the certificate must have disclosed to Mr. Salley the weakness of his objection as it would have destroyed any apparent force in it, but the "love of truth because it is truth" did not prevail upon him to give Dr. Alexander the benefit of it.

But this is only a part of Mr. Salley's indictment. Continuing he says:

"In the first paper which he gave to the world Dr. Alexander carefully avoided acknowledging that John McKnitt Alexander was his father; hid his identity under the signature 'J. McKnitt'; mentioned papers left in his hands by 'John McKnitt Alexander dec'd' although he produced only one paper and did not say how many more there were or what their import was; and did not say that John McKnitt Alexander was the author of the paper or tell how the latter came into possession of it, or in what shape it was. He was evidently leaving loop holes to escape in the event that he was 'cornered.' He stated that he had found it 'on file that the original book was burned in April, 1800.' That a copy of the proceedings was sent to Hugh Williamson in New York, then writing a history of North Carolina, and that a copy was sent to Gen. W. R. Davie."

Let us examine the grounds in detail on which Mr. Salley charges Dr. Alexander with forgery.

"In the first paper which he gave to the world Dr. Alexander carefully avoided acknowledging that John McKnitt Alexander was his father; hid his identity under the signature 'J. McKnitt.'"

Dr. Alexander did not personally "give to the world" his "first paper" on the subject of the Declaration. He wrote it to Congressman Davidson and Col. William Polk copied his letter to Davidson, made some emendations and had it published in the *Raleigh Register*.

Congressman Davidson of the Mecklenburg District had applied to Dr. Alexander for information about the Declaration. Dr. Alexander wrote him an account of the event, which he said he had copied from papers "left in my hands by John McKnitt Alexander, dec'd." Of such papers as he did not copy he gave a brief stating their contents. He signed his letter in his customary way. He called himself Joe McKnitt to distinguish him from the many other Alexanders in the county. Mr. Hoyt himself testifies to having seen several of his letters signed "J. McKnitt." He did not tell Congressman Davidson in his letter that he was the son of John McKnitt Alexander. The Congressman, to whom he and his family were personally known, would have deemed him suddenly crazy if he had offered him such information. He did not tell Congressman Davidson that John McKnitt Alexander was the author of the paper and other particulars exacted by Mr. Salley, because, perhaps, he thought all this was sufficiently covered by the simple statement that it was "a true copy of the papers on" the subject of the Declaration "left in my hands by John McKnitt Alexander."

"He was evidently leaving loop holes to escape in the event that he was 'cornered,' comments Mr. Salley on these simple circumstances.

And what were the "loop holes" that he left?

He stated "that a copy of the proceedings was sent to Hugh Williamson in New York, then writing a history of

North Carolina, and that a copy was sent to Gen. W. R. Davie," says Mr. Salley.

Here then is the situation presented:

Dr. Joseph McKnitt Alexander, in the act of forging a paper which he claimed was a true copy of John McKnitt Alexander's account of the Mecklenburg proceedings, gives notice that one copy of this account by his father had previously been sent to the historian Williamson and that another copy had been sent to Gen. Davie.

The "loop holes" Dr. Alexander left then were these:

By the production of the copy sent to Williamson or the copy sent to Gen. Davie his forgery would infallibly stand exposed.

In 1820, a year later, the Davie copy in John McKnitt Alexander's handwriting was found by Dr. Henderson as certified by him and on comparison with the paper from which Dr. Alexander copied was found to be the same by Governor Stokes, Hon. D. L. Swain, the legislative committee and others, and even acknowledged by Prof. Phillips to have been the same.

But Mr. Salley's irrepressible suspicions are excited even by Dr. Alexander's invitation to any one to make this comparison; also his ready habit of garbling quotations to suit his argument is exercised. Mr. Salley says: "Again the wording of this last certificate arouses suspicion: 'As to the full sheet being in an unknown handwrite, it matters not who may thus have copied the original record.'" He cuts Dr. Alexander's sentence in half and curtails it of its explanatory clause in identically the same way he treated the former sentence he quoted from the certificate. The full sentence is:

"As to the full sheet being in an unknown handwrite, it matters not who may have thus copied the original record: by comparing the copy deposited with Gen'l. Davie the two will be found perfectly the same, so far as his is preserved, that no imposition is possible—the one from the same original as the other is conclusive."

On grounds such as these and the inference he draws from them Mr. Salley charges Dr. Alexander in abusive and unreserved language with forgery, and then says in conclusion "a charge of forgery against Dr. Alexander could not be directly proven, but we submit that circumstantial evidence against him is very strong; strong enough to convict any man of fewer champions."

In other words Mr. Salley deliberately libels the reputation of Dr. Alexander dead knowing that if Alexander were living and held him responsible he could not go into the court-house and prove his charges with the evidence.

The identity of the Davie copy and the copy in the unknown handwriting corrected and filed away by John McKnitt Alexander from which Dr. Alexander copied is established and Mr. Salley's reckless denunciations of Dr. Alexander as the fabricator of the May 20 Declaration will only rebound on his head. Dr. Alexander clearly did not have the ability to produce the resolutions of May 20. But that aside the fact that they were copied and transmitted to posterity by John McKnitt Alexander does not rest upon Dr. Alexander's testimony. When Mr. Salley says he forged them he gives the lie, for one, to Governor D. L. Swain. Governor Swain was the trusted correspondent of Bancroft, Lossing, Randall and other historians and stands in honorable reputation the peer of any of them. In his "History of Mecklenburg" Tompkins says "Governor Swain probably devoted more time to the study of the Mecklenburg Declaration of Independence and the involved questions than did any other man. He examined carefully all available testimony in a spirit in which even his unswerving patriotism and love for his native State could not influence him in his search for truth." It is but truth to say that Governor Swain accepted nothing on faith in his long and studious investigation of this subject. From time to time his opinions underwent change

and modification, but he never knowingly misstated a fact or compromised with the truth in regard to it, erring rather in leaning against the Declaration when the conclusions could not be established on positive and demonstrable evidence. The enemies of the Declaration never fail to use Governor Swain when they can do so in any measure against it. They must not ignore his testimony—record evidence—when it blocks the way to the conclusion they wish to draw. Governor Swain knew John McKnitt Alexander's handwriting. Governor Swain had possession for many years of the Alexander papers, the paper in the unknown handwriting, the Davie paper and the others. Governor Swain repeatedly testified in the most positive and measured words to the genuineness of the Davie paper. In 1830-31 he compared it with the paper in the unknown hand and with Dr. Joseph McKnitt Alexander's account as published, and vouched for its genuineness. The legislative committee at this time put it on record of the Davie copy that "this paper is somewhat torn, but is entirely legible." Governor Swain wrote to Lossing in 1851 that "the Davie paper was shown to be in the handwriting of John McKnitt Alexander." In 1858 he wrote in answer to Henry S. Randall, Jefferson's biographer, as already quoted: "You remark that the main question, so far as Mr. Jefferson is concerned, is this: "Is the Alexander copy of the Mecklenburg Resolutions genuine? The paper is unquestionably genuine. I have it before me, in the well-known handwriting of John McKnitt Alexander." This is Governor Swain's testimony delivered on three occasions, covering a period of twenty-eight years. In the meantime he had been put on notice as fully as could be, and had all this time to reconsider his first statement and revise it if erroneous. So far from doing so he twice reiterated it in this positive manner. Mr. Salley's scientific deductions which ignore facts will not suffice to overthrow this and other positive evidence on this point.

Mr. Hoyt has reconstructed from the account of the Mecklenburg proceedings in *The Raleigh Register* and the notes of Bancroft's copyist the copy of the manuscript in an unknown handwriting as he believes it should appear, and in every slip of the pen, scratch and error of the unknown copyist he finds food for suspicion. Doubtless Mr. Hoyt never makes errors in copying, never has mental lapses, never mistakes or misplaces a word, never duplicates, never goes too fast and has to scratch out and go back and substitute, and such like. If he is so happily constituted he cannot easily appreciate the troubles of penmen who are not so systematic and disciplined. The unknown who copied John McKnitt Alexander's account never dreamed how much would depend on a clean copy, and he certainly was not executing a forgery, as in either case he must have been more careful with his work.

The same method Mr. Hoyt applies to the Mecklenburg papers to throw suspicion on them would easily demonstrate that Thomas Jefferson never wrote the National Declaration of Independence. An inspection of the fac-simile of Jefferson's autograph draft of the Declaration will show five times the erasures, the interlineations, the substitutions, eliminations, and other alterations to the square inch as are displayed in the manuscript of the unknown (not to speak of diversities of handwriting, which is not a feature of the last mentioned paper.) And the principal of the phrases which Mr. Salley says were "stolen" from Jefferson were not in his paper at all until the "broadside" came back from the printer's hands.

Mr. Hoyt places the May 31st Resolves and John McKnitt Alexander's rough notes side by side in parallel columns to show that Alexander was trying to recall the May 31st paper. The result is only to demonstrate how utterly different and far apart were the preamble and resolutions constituting the May 31st memorial to Congress and Alexander's recollection

of the resolutions declaring the county's independence. The two sets of Resolutions duplicate each other only in the provision made for constituting the authorities of government under the new conditions and the adoption of a system of government by the code of laws incorporated in the May 31st Resolves carrying out in detail the briefer action of the Declaration in "adopting our former wholesome laws." Attempts to reconcile Alexander's notes and recollections with the May 31st Resolves by any other explanation than that these latter were the legislative and administrative work of the "Committee of Safety" that was "constituted" as Alexander says, by "a selection from the members present" at the May 20 convention, are labored and futile.

The May 31st Resolves were published in no less than five journals in 1775 and in no two of them did they appear verbatim et literatim the same, and yet the enemies of the Declaration never suggest a doubt of their authenticity on that score.

The *Massachusetts Spy* or *American Oracle of Liberty* on July 12, 1775, published the preamble and first four resolutions of the May 31st Resolutions detached from the rest, which, in themselves alone, constitute an absolute declaration of independence, and yet the enemies of the Declaration contend that Mecklenburg did not declare independence because their action was not proclaimed and made much of throughout the country. Mr. Hoyt himself admits that without the 18th resolution the May 31st Resolves would be an absolute declaration. This declaration was printed in John Adams' home town, under his very nose, and yet he declared afterwards, when won over by Jefferson's indignant but fallacious protests, that he never heard of the Mecklenburg Declaration at the time. Doubtless he told the truth. He was too absorbed in his endeavors at that moment to persuade George III that the Americans did not dream of independence to heed the first clarion note of it from Mecklenburg County in North Carolina.

CHAPTER IX.

THE RECORD EVIDENCES.

We come now in our study of the Mecklenburg Declaration of Independence to the record evidences of it. These are of two classes: direct and indirect. We will state them in the order of time.

John McKnitt Alexander, the secretary of the convention and custodian of the records, left at least two copies of the Declaration, the copy in the unknown hand corrected by himself, and the copy he deposited with Gen. Davie. He sent a third copy to Hugh Williamson, who was writing a history of North Carolina, but Williamson's history, as such, closes with the events of 1774. He said in his preface that he proposed to bring his work down to the year 1790 and had collected materials for the purpose, but for reasons which he mentions, he desisted. Mr. Hoyt contends that Williamson ought to have said something about so remarkable a paper as the Mecklenburg Declaration anyway and infers Williamson did not because it was the May 31st Resolves that Alexander sent him. But the May 31st paper was a more remarkable paper than the May 20 paper, according to Mr. Hoyt, and the writer thinks so, too. Why should Williamson not have gone out of his way to mention it, if he was to do so in favor of the Declaration? Why did he not go out of his way to mention so important a step as North Carolina's instructions to her delegation in the Continental Congress on April 12, 1776, first among the colonies, to vote for independence?

Governor Stokes testified to having seen the Williamson copy of the Declaration in the hands of Williamson in 1793. But Mr. Hoyt has a pat method of dismissing all positive evi-

dence with regard to the Declaration with the simple theory that the deponents were under misapprehension as to what they saw and understood. They "transfigured" the May 31st Resolves into the May 20 Declaration explains everything to his satisfaction.

It is customary for the enemies of the Declaration to read John McKnitt Alexander's "memory" certificate attached to the Davie copy of the historical statement and resolutions as applying expressly to the resolutions of the Declaration, but the certificate says: "It may be worthy of notice here to observe that the foregoing statement, though fundamentally correct, yet may not literally correspond with the original records of the transactions of said delegation and court of enquiry." We know in the light of history that while his statement contains some minor mistakes it is "fundamentally correct," and it is impossible to conceive of a man so careful and scrupulous as this certificate proves him to have been introducing in his statement resolutions purporting to be the copy of a Declaration of Independence which he knew them not to be. That would have been a "fundamental error" and the certificate does not cover any of that sort.

Next there is the May 31st Resolves which are in themselves collateral evidence that prior to the 31st of May, 1775, a convention had been held in Mecklenburg County which had created and constituted a Committee of Safety and invested it with the revolutionary powers necessary to annul "all commissions heretofore granted by the Crown" and to impose a new digest of laws and system of government upon the county. The contention that the committee arrogated and exercised these powers without authority from the people in the form of a popular declaration of independence refutes itself.

Next in order is the "Instructions" to Mecklenburg representatives to the Provincial Congress, September 1, 1776,

written by Dr. Ephraim Brevard. In addition to the similarity of the earmarks already noted between this paper and the May 20 Declaration, the "Instructions" throw a strong sidelight upon the manner of people politically we are here dealing with. The "Instructions" written a year and about three months after the Declaration was made "insists" upon the county being "acknowledged to be a distinct county of this State," with the privilege of electing its own officers "by the freemen of the same." Is it likely that people who in 1776 so emphasized their local autonomy would have met in 1775 to take action on the situation and have declared independence—not for their county, but for the American colonies?

The "Instructions" consist of seventeen sections, the last of which reads:

"17. Gentlemen, the foregoing instructions you are not only to look on as instructions, but as charges, to which you are desired to take special heed as the general rule of your conduct as our Representatives, and we expect you will exert yourselves to the utmost of your ability, to obtain the purposes given you in charge, and wherein you fail either in obtaining or opposing, you are hereby ordered to enter your protest against the vote of the Congress or Convention as is pointed out to you in the above instructions."

Is it likely that people who imposed or proposed such stringent instructions to their representatives in "Congress or Convention" in 1776 should in 1775 have tolerated the assumption of a committee to change their form of government and depose the king and other regularly constituted authorities without express authority from them? Again the proposition refutes itself.

Next in the order of time is "The Mecklenburg Censor." The writer wishes it to be understood that he uses the "poem" here as belonging to the indirect class of record evidences. Attention was first called to the "Censor's" verses by Governor

Swain who had a copy of them in 1858. Governor Swain called them "a series of doggerel verses." He probably under-estimated their literary quality because they lampooned severely and doubtless unjustly some of the Mecklenburg leaders who were prominent in affairs, not only in the county in 1775, but in the State afterwards. The "poem" is in fact a very clever political satire by a "disgruntled" resident and possibly politician of Mecklenburg. It is modeled after *Hudibras* and deals with the political conduct of the people of the county as exhibited in their election in 1776, and in their attitude toward their representatives. Governor Swain said of his copy of the "poem," it "bears date 18th March, 1777, extends thro' 260 lines, and is of unquestionable authenticity." The opening fourteen lines he quoted as follows:

"THE MECKLENBURG CENSOR"¹

When Mecklenburg's fantastic rabble
Renowned for censure, scold and gabble
In Charlotte met in giddy council
To lay the Constitution's groundsill
By choosing men both learned and wise
Who clearly could with half-shut eyes
See millstones through or spy a plot
Whether existed such or not
Who always could at noon define
Whether the sun or moon did shine
And by philosophy tell whether
It was dark or sunny weather
And sometimes when their wits were nice
Could well distinguish men from mice
First to withdraw from British trust
In Congress they the very first
Their independence they declared."

The last three lines make direct reference to the Declaration, but the charge has been made that they were interpolated in Governor Swain's copy and it is not the purpose of the writer, as stated at the outset, to take issue with the enemies of the Declaration on any disputed fact of the controversy. The purpose is to meet them on their own ground and show the perverse error of their deductions.

Another copy of "*The Mecklenburg Censor*" is on file in the Charleston, S. C., Library. It is in manuscript under this caption:

"A Modern Poem
by
THE MECKLENBURG CENSOR,
Published A. D. 1777."

The poem is introduced by "The Editor" with an explanatory comment dated "March 30, 1777," and it is followed up with "Characters and notes of information," furnishing a key to the personal allusions in the poem. The whole is written in a fair legible hand and the manuscript is contained in a "scrap book" of rare old manuscripts preserved by this library, which was founded in 1748. Both the author of the "poem" and "the editor" were residents of Mecklenburg although neither of their names is preserved. Mr. A. S. Salley, Jr., published the "poem" with its prose setting in the *Charleston Sunday News*, April 22, 1906.

The "poem" as here copied and commented on, varies in some few of its words from Governor Swain's quoted fragment, and it does not contain the three disputed lines. Also it is evident that Governor Swain's copy did not have the advantage of "The Editor's" comment which, to the writer's mind, has an important bearing on the controversy as showing that it was the fixed custom of the people as early as 1776 to conduct their public affairs in popular mass meetings and not only to tell their delegates and representatives what they

wanted, but to hold them to strict accountability for the execution of their wishes. "The Editor's" introduction to the "poem" is in part, as follows:

"To the Electors of Mecklenburg—

"Gentlemen: The following poem came some time ago, by accident into my hands, in which I find some things that will probably offend many of my good friends in this county. Yet I am of opinion that it contains many useful hints which ought not to be concealed from the public at this critical juncture. I have therefore thought it my duty, as an impartial but sincere friend to the inhabitants of the county, to give you an opportunity of perusing it.

"The Censor ridicules the confused and unthinking conduct of the freemen of Mecklenburg, at the election held last November, with a severity that I thought unjustifiable until I saw that the same spirit of insipid indifference prevailed at our own last election, held the 10th day of March.

"He also disapproves of the men you have chosen; and indeed I have great reason to believe from your conduct and public sentiment that you yourselves disapprove of your choice. For what other reason has induced you to hold elections for field officers of the militia and justices of the peace—a power by our Congress very judiciously vested in the General Assembly? And why the very particular instructions you have given your Representatives? If you were convinced that you had chosen honest men, you would surely trust something to their management. But instead of this, you are so dubious of their integrity that you do everything yourselves, and send them only as messengers to inform the assembly what your will and pleasure is. Strictly by your orders our Representatives must abide or do nothing. Quere? Would not those instructions in writing, signed by a number of leading men in the county, and sent to the assembly by a trusty negroe, answer the same end?"

Parenthetically the writer suspects that "the Editor" and the author of "the Mecklenburg Censor" were one and the same person, as the prose of the one and the poetry of the other bear similar ear marks, notably the odd use of the word "Quere" quoted in the last sentence above. The word occurs also in the poetry and is so odd as to be marked. It is perhaps proper to say that this word does not occur in the production as published by Mr. Salley in the *Charleston*

Sunday News. This last sentence as published by him reads: "More would not those instructions in writing, signed by a number of leading men in the county and *put* to the Assembly by a *thrifty* negro answer the same end." Here are three inaccuracies in one sentence occurring between Mr. Salley's copy and the printed article, committed without design, of course, but going to show the peril of convicting persons out of hand of forgery for typographical or verbal discrepancies appearing in printed matter.

But the important bearing of "the Mecklenburg Censor" and "the Editor's" commentaries, heretofore overlooked, is the facts here recorded that as early as 1776 the Mecklenburgers were "renowned for censure, scold and squabble," as the Charleston copy of the "poem" has it; that, so far from being "confused and unthinking," they mapped out the course their representatives were to pursue and gave them such strict instructions—"orders" the "Editor" says—as left them nothing to do but "to inform the assembly what your will and pleasure is." It is clear that "the Editor" here refers to the "Instructions" as first given shape in Dr. Brevard's paper, already referred to, and as repeated and improved on in the instructions agreed to "At a general Conference of the inhabitants of Mecklenburg at the court-house on the first of November, 1776, for the express purpose of drawing up instructions for the present Representatives in Congress." Is it among the probabilities that people who in 1776 "ordered" (in the language of Brevard's instructions, corroborated by the testimony of "the Editor") their Representatives to execute their "charges" "strictly" would in 1775 have permitted a handful of men to declare a revolution and overthrow the duly constituted authorities of government from the King to the magistrates and constables of the county without authority to do so being previously vested in them by the people? The fallacy of the proposition is self-evident.

Mr. Hoyt ignores the indirect bearing of "The Mecklenburg Censor" and disposes of the direct reference to the Declaration in Governor Swain's copy (conceding it to have been there legitimately) by his favorite assumption when confronted by positive evidence that when the "Censor" said the Mecklenburgers "their independence they declared" he had reference to the adoption of a paper which he (Hoyt) says is not a declaration of independence.

Mr. Hoyt offers "The Mecklenburg Censor" in evidence to demonstrate the "origin" and "genesis of the myth," as he calls the Declaration, in the public mind, and then proceeds to show that "The Censor" was unknown to the public until Governor Swain called attention to it in 1858, and he, in addition, produces evidence which "seems conclusive" to him that "the three lines which refer to the Declaration of Independence, did not belong to the original poem," but were interpolated "by a man of Swain's time." How a "myth" which was so able-bodied in 1830 as to be established by legislative inquiry for historical facts could have originated in the public mind from a poem the public never heard of until 1858 is one of the mysteries of the improved "scientific methods" with which the lay mind is not qualified to grapple.

The most remarkable record evidence of the Declaration of the direct class is the Moravian record made in 1783 and discovered in 1904 among the archives of the Moravian Church at Bethania, N. C., by Mr. O. J. Lehman, of that place. This is a historical sketch of the events of the Revolutionary War covering the period from 1775 to 1779. The title, translated into English, is "Fragment, Record of the events during the Revolutionary War which had a reference to Wachovia to the end of 1779." The record for the year 1775 closes with this paragraph:

"Ich kan zu Ende des 1775sten Jahres nicht unongemerkt lassen, dass schon im Sommer selbigen Jahres, das ist im May, Juny, oder July, die *County Mecklenburg* in Nord *Carolina* sich fur so frey u inde-

pendent von England declarite, u solche Einrichtung zur Verwaltung der Gesetze unter sich machte, als jamalen der *Continental Congress* hernach ins Ganze gethan. Dieser Congress aber sahe dieses Verfahren als zu fruhzeitig an."

The words in italics are written in English script, the other in German. Translated into English, the paragraph reads:

"I can not leave unmentioned at the end of the 175th year, that already in the summer of this year, that is in May, June or July, the *County of Mecklenburg in North Carolina* declared itself free and independent of England, and made such arrangements for the administration of the laws among themselves, as later the Continental Congress made for all. This Congress, however, considered these proceedings *premature*."

In an exceedingly interesting and scientific pamphlet entitled "The Mecklenburg Declaration of Independence as mentioned in Records of Wachovia," 1907, reprinted from *The Wachovia Moravian* of April, 1906, Miss Adelaide L. Fries has "established," as Mr. Hoyt admits, that this record was made by Traugott Bagge in 1783. Traugott Bagge, according to Miss Fries, "was the most able man of affairs in Wachovia during the War," and "as merchant, financier, politician, as a sturdy, conscientious man, Traugott Bagge ranks among the first in the history of the State." *The Moravians*, it appears, were neutral during the Revolutionary War, but among the archives of their church at Bethania they had carefully kept records written "by the most learned men of their Brotherhood" covering the period from 1755 to the present day."

At the close of the eight years' war the Moravian Brotherhood proceeded according to their custom to make and file an historical record of it among the "beilage" kept with their church diary. As the active head of affairs in Wachovia during those years and most intimate with current events Traugott Bagge's services were employed in making a record of the events from 1775 to 1779. "This guarantees the ac-

curacy of statements in the 'Fragment,'” says Miss Fries. “‘The Fragment,’” she says, “is neither a diary nor a mechanical compilation from a diary. It is an historical sketch, well written, clear-cut, showing keen insight into the affairs of the State and Nation, as well as the most intimate acquaintance with events in Wachovia.”

Here then is a contemporaneous record, made by an unbiased but fully informed accurate historian, with no purpose but to record the truth, which briefly but completely covers every essential of the statement made by John Me-Knitt Alexander seventeen years later, that the “County of Mecklenburg declared itself free and independent of England and made such arrangements for the administration of the laws among themselves, as later the Continental Congress made for all. This Congress, however, considered these proceedings *premature*.”

“We (the County,)” said Alexander, “declared ourselves a free and independent people.” But “we were premature.” Thus in 1800 he used the very word most aptly expressing the answer brought back by Captain Jack from Congress and in 1904 this unthought-of record, buried for 121 years, was brought to light with the identical word recording the same fact. And, yet, the enemies of the Declaration insist that Alexander did not know or remember the difference between a paper which declared the county independent and one which argued that the colonies, by reason of the alleged abdication of the King, were virtually independent.

Traugott Bagge not only testifies to the county's declaration of independence, but he accounts for the May 31st Resolves in the statement that the people “made such arrangements for the administration of the laws among themselves as later the Continental Congress made for all.” The May 31st paper answers this description precisely, but it will be observed that this is stated as proceedings additional but

separate and subsequent to the Declaration of Independence. Yet Mr. Hoyt stubbornly and weakly contends that "if it be admitted that a belief gained currency in Mecklenburg County and the vicinity as early as 1783 that the May 31st Resolves were a declaration of independence his (Traugott Bagge's) recollections must be understood as relating to them." But who admits such a proposition? Certainly not the advocates of the Mecklenburg Declaration. The enemies of the Declaration surely will not undertake to make the admission for them. The truth is that Mr. Hoyt treats of the Mecklenburgers and their neighbors in North Carolina of the Revolutionary period on the theory propounded by the grave digger in Hamlet that the men in England would not know the Prince was mad because they were all as mad as he. But the unbiased student who examines closely into their public papers and proceedings must conclude that if the Mecklenburgers and the Moravians were mad they were "but mad north-northwest" and "when the wind" was "southerly" they "knew a hawk from a handsaw."

John W. Jordan, librarian of the Historical Society of Pennsylvania, writing to Miss Fries, expresses his gratification "that through your researches among the Archives of Wachovia you have found records which substantiate the claims made for this important event. I am thoroughly familiar with the records, particularly of the Colonial and Revolutionary periods of the Moravians in America, and esteem them, local and general, of the highest historical value."

John H. Clewell, archivist of Wachovia, writes: "The discovery of the 'Bagge Manuscript' effectually sets at rest the question of the Mecklenburg Declaration of Independence except perhaps in the minds of those who are unwilling to consider the matter in a fair and unbiased light. The Wachovia Archives are a series of records made contemporaneous

with the events themselves, and form an unbroken history of the leading events of our section, and of the principal events of the State, and even of the country at large, from 1753 to the present day. In no case has the reliability of these archives ever been brought into question."

The next record evidence of the Declaration appeared in the *Raleigh Register*, July 28, 1808. It was the report of a "banquet held in Charlotte on the night of the 4th of July, 1808." One of the toasts is given as follows:

"By Joseph Pearson—The Patriots of Mecklenburg, the first to declare independence. May their sons be the last to acknowledge themselves slaves."

This unqualified statement of the Mecklenburg Declaration made at a public banquet and published in the public prints in 1808, when many of the Revolutionary generation were still living and the people were familiar with the facts, passed without challenge or comment.

Mr. Hoyt does not refer to this incident.

Mr. Salley includes the toast in his review of the controversy in the *American Historical Review*, but he does so without comment. There was nothing to say.

On June 1, 1809, at Sugar Creek Academy, Mecklenburg County, one of the scholars, believed to have been James Wallis, delivered the valedictory in which he said:

On the 19th of May, 1775, a day sacredly exulting to every Mecklenburg bosom, two delegates duly authorized from every militia company in this county met in Charlotte—After a cool and deliberate investigation of the causes and extent of our differences with G. Britain and taking a view of the probable result; pledging their all in support of their rights and liberties; they solemnly entered into and published a full and determined declaration of independence, renouncing forever all allegiance, dependence on or connection with Great Britain; dissolved all judicial and military establishments emanating from the British crown; established others on principles correspondent with their declaration, which went into immediate operation: All of which were transmitted to Congress by express, and probably expedited the general declaration of Independence. May we ever act worthy of such predecessors.

The address was published in *The Minerva*, Raleigh, N. C., August 10, 1809, and there was no denial entered or challenge made of the truth of the facts as stated by any one of the thousands then living who must have known it if the statement was false. It was not until the question became one of jealous rivalry in 1819, when most of the actors had passed away, that the publication of the history of the event, including a copy of the Declaration, excited the ire of Mr. Jefferson and his friends, and provoked the great man into his intemperate and unjust strictures on the Mecklenburgers. So long as the popular interest in the subject of the first move made for independence was in abeyance the Mecklenburgers' claims were neglected. When it became a matter of public interest they were disputed and that they have been disputed ever since in the face of the most remarkable finds of contemporaneous and positive testimony, it is only necessary to point to Mr. Hoyt and Mr. Salley to demonstrate.

However, there were enough eye witnesses of the event still living in 1819 when the controversy arose, and in 1830, when it was revived, to establish the fact of the convention and of its action declaring independence, and the General Assembly, after a full investigation, put it on public record "that there is no one event of the Revolution which has been, or can be more fully or clearly authenticated."

The writer has not included Governor Josiah Martin's several denunciations made at different times, of the treasonable conduct of the Mecklenburgers among the record evidences bearing on the Declaration because, from all the evidence now extant and available, he is bound to the conclusion that Governor Martin referred to the May 31st Resolves in his dispatches to the Earl of Dartmouth. The abstraction by or for friends of Mr. Jefferson of the copy of the newspaper containing the resolutions first sent to Dartmouth by Governor Martin would, under the rules of evidence, place the burden

on the enemies of the Declaration to produce this paper,* but we will let that pass, as it is not desirable to take advantage of a technical point in getting at the truth of the Declaration. The writer thinks it possible Governor Martin did not see a printed copy of the May 20 Declaration prior to the dispatches. That he had full oral reports eventually and fully learned the tenor and appreciated the extent to which the Mecklenburgers had gone in their revolutionary proceedings, however, he leaves us no room to doubt.

When the revolution came to a head in Mecklenburg Governor Martin was a refugee from his seat of government. Dr. Foote and other historians of the period say that he fled from Newbern on the 24th of April, 1775, after a body of Whigs attacked his palace and carried off his guns. Mr. Hoyt says Governor Martin fled from Newbern "during the last week of May, 1775." This is evidently an error. At all events Governor Martin was cut off from the regular avenues of communication with his people for nearly a month before the Mecklenburg convention was held. In his letter July 6, 1775, to the Earl of Dartmouth, "he said that a servant whom he had dispatched to the postoffice at Wilmington for his letters three days before was stopped by a committee of the town of Brunswick and obliged to swear that he had no letter for him before he was allowed to proceed." Mr. Hoyt says that on June 16, "Governor Martin was almost entirely cut off from communication with Newbern," and if with Newbern still more so, necessarily, with Mecklenburg. It is evident that under such circumstances he would be at a disadvantage in obtaining full and connected reports of public proceedings. The news would reach him slowly and irregularly. He would at first be dependent upon such newspapers as might clandestinely reach him on the British sloop-of-war

* Mr. Hoyt says: "It is clear that this newspaper contained the Mecklenburg resolves." is strange the abstractors did not disclose the nature of the newspaper's contents, even though it contained only the May 31st resolves, in view of the controversy then rife.

Cruizer in Cape Fear River. The Mecklenburgers did not have any local press and none of their proceedings were printed at home. The county's Declaration of Independence necessarily impressed them most and was most studiously preserved by manuscript copies. The May 31st Resolutions were made expressly for foreign consumption. They dealt with the situation in the country at large and naturally were more prominently put forward by the newspapers along the route traveled by Captain Jack and elsewhere. They thus first came to the attention of Governor Martin. So we find him on June 25, 1775, in an address to the Council at Fort Johnson, denouncing "the late most treasonable publication of a Committee in the County of Mecklenburg explicitly renouncing obedience to his Majesty's Government and all lawful authority whatsoever. * * * directly tending to the dissolution of the Constitution of this Province." And on June 30, five days later he wrote to Dartmouth: "The Resolves of the Committee of Mecklenburg which your Lordship will find in the enclosed Newspaper, surpass all the horrid and treasonable publications that the inflammatory spirits of this Continent have yet produced."

It seems possible to this writer that up to this date Governor Martin had seen only the resolutions of May 31. But the Governor was not entirely cut off from oral communication with the people of the interior. Mr. Hoyt argues that he "had a large following in the province, particularly in the upper and middle Cape Fear regions, and it would have been physically impossible for the patriot party to prevent the news of a declaration of independence publicly proclaimed in Mecklenburg from reaching him. * * * Governor Martin's letters and public papers show that, notwithstanding attempts to prevent his adherents from communicating with him, he was well informed of movements in all parts of the province." This, we think, is obviously true.

Certain it is that Governor Martin heard news of an exciting character from Mecklenburg after his receipt and perusal of the May 31st Resolves. The enormities of the Mecklenburgers were of a continuing and increasing sort that grew on the royal Governor. At a meeting of the Council on the Cruizer July 18, he again referred to their "treasonable proceedings" and to the "unnatural Rebellion now fomenting in Mecklenburg." But on August 8 the Governor issued a "fiery proclamation from the Cruizer," in which he said that he had "seen a most infamous publication in the *Cape Fear Mercury* importing to be resolves of a set of people stiling themselves a Committee of the County of Mecklenburg most traitorously *declaring the entire dissolution of the Laws, Government and Constitution of this country and setting up a system of rule and regulation repugnant to the Laws and subversive of His Majesty's Government.*"

"Governor Martin's language can be properly applied to nothing less than a declaration of independence" Mr. Hoyt admits, preliminary to his usual plea, when confronted with direct evidence, that Governor Martin did not perceive the difference between a paper which was a declaration of independence and one which Hoyt claims was not, and it was still the May 31st Resolves that was exciting him to this more violent outbreak than any he had indulged in when the paper originally came to his hand, about two months before. In his description of the May 31st Resolves on the 25th of June Governor Martin termed them a "most treasonable publication * * * explicitly renouncing obedience to His Majesty's Government * * * tending to the dissolution of the Constitution." But in this latest fulmen brutum he denounces the resolutions seen in the *Cape Fear Mercury* as "declaring the entire dissolution" of the Government. It is difficult to avoid the conclusion that Governor Martin had seen the May 20 Declaration in the copy of the *Cape Fear Mercury* to

which he refers. What the name of the newspaper was he sent to Dartmouth and which was taken out by Mr. Turner for Minister Stevenson and never replaced does not appear in his statements. But the resolutions he here denounces appeared in the *Cape Fear Mercury* of some date unmentioned and while no *Cape Fear Mercury* is extant containing the May 20 Declaration it is equally true that there is none extant containing the May 31st Resolves. It seems probable that the Declaration was published in the *Cape Fear Mercury* after Governor Martin had seen the May 31 Resolves in the *North Carolina Gazette* of June 16, 1775, published at Newbern. If the May 31st Resolves had been printed in the *Mercury*, published at Wilmington, Governor Martin must have seen the paper before June 25, as he was anchored in the river near Wilmington and no doubt obtained copies of the Wilmington newspaper without delay. It is true that Governor Martin in his dispatch to Dartmouth, August 28, mentions that a "messenger" had reached him from a "body of Germans" in Mecklenburg bringing a "loyal declaration" against the resolves, a copy of which he had sent him, and no doubt the declaration of the "loyal" Germans was against the May 31st Resolves, the May 20 Declaration and all other of the revolutionary proceedings of the Mecklenburgers as well.

CHAPTER X.

TESTIMONY OF THE WITNESSES.

We come finally, in our study of the Mecklenburg Declaration of Independence, to the testimony of the witnesses. In 1819, when the controversy first arose, and in 1830, when it was revived, there was only one paper in dispute, the May 20 Declaration. The May 31st Resolves, as printed, had not then been discovered. When this latter paper was brought to light it was pitted against the Declaration as a rival document, instead of being accepted as the mere sequence to the former paper, which it obviously was. The claim was made that the May 31st Resolves were the genuine and only resolutions adopted, and it was bolstered up with the argument that many of the witnesses to the May, 1775, proceedings in their testimony made references which were applicable to the May 31st paper, and that General Joseph Graham, in particular, cited as one of the arguments for declaring independence, the theory of the King's abdication, which was the basis for the memorial to Congress in the May 31st preamble. This was the last resort of a defeated cause. If the witnesses had not specifically accounted for the May 31st paper in testifying to the Declaration there would have been some excuse for the claim that they had confused the Declaration with it. How much stronger would the contention of the enemies of the Declaration have been in that case! But in absolute ignorance of the existence of printed or other copies of the May 31st Resolves, they stated accurately the nature of the paper and its true relations to the Declaration, and left nothing really but a simulated surprise for those taking refuge in the discovery of the paper made later. The

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aged witnesses, after the lapse of 44 and 55 years, respectively, would naturally run events together in recalling the details, but it is remarkable how they remembered so intelligently and discriminatingly the salient features of the proceedings, to speak of the election of a committee of safety and of the code of civil laws which it enacted and administered.

Fourteen reputable citizens certified to having been present at the convention that declared independence.

General Joseph Graham's testimony has been chiefly relied on as the bulwark of the assailants. Mr. Hoyt says that General Graham "described the great meeting" of May, 1775, "with extraordinary particularity," and he takes great comfort from the circumstance that General Graham related that one of the arguments made for declaring independence was that the King or Ministry had by proclamation or some edict, declared the Colonies out of the protection of the British Crown," hence as allegiance and protection were reciprocal obligations, the King had abdicated, and had himself released the people from their allegiance. This argument, General Graham proceeds to show, was made to overcome the scruples of one man *who raised the objection that the Declaration would be a violation of their oaths of allegiance taken some four years before. This is proof conclusive to Mr. Hoyt that the May 31st paper, the preamble of which was based upon the abdication theory, was the paper then adopted. But it was a mere incident in General Graham's narrative. He said that "on the 20th of May, 1775, besides the two persons elected from each militia company * * * a much larger number of citizens attended * * * perhaps half the men in the county. The news of the battle of Lexington * * * had arrived. There appeared among the people much excitement." That "Abraham Alexander" was appointed "chairman" and

* Probably Jeremiah McCafferty, who, the "Mecklenburg Censor" says, was known as the "Charlotte trimmer."

“John McKnitt Alexander, clerk or secretary. * * * After reading a number of papers * * * and much animated discussion, the question was taken, and they resolved to declare themselves independent. * * * Doctor Ephraim Brevard, a Mr. Kennon, an attorney, and a third person, whom I do not recollect, were appointed to draft this Declaration.” When the committee returned, “Doctor Ephraim Brevard read their report, as near as I can recollect, in the very words we have since seen them several times in print.” (This was in 1830, after the May 20 Declaration was printed in the *Raleigh Register* and other papers.) Continuing, General Graham said: “It was unanimously adopted * * * proclamation made and the people collected, that the proceedings be read at the court house door. It was done, and they were received with enthusiasm * * * cheers,” were given, “hats thrown” and “several lit on the roof.”

“The foregoing is all from personal knowledge,” said General Graham. “I understood afterwards that Captain James Jack * * * undertook on the request of the committee, to carry a copy of their proceedings to Congress.”

Mr. Hoyt says, “The address of Parliament did not, as General Graham recollected, declare the Colonies out of the protection of the British Crown, but only that a part of your Majesty’s subjects in the province of Massachusetts Bay have proceeded so far as to resist the authority of the supreme legislature, that a rebellion at this time actually exists within the said province.” “It is evident,” continues Mr. Hoyt, “that the Mecklenburg patriots had some strong motive which is not apparent on the face of their bold resolves [May 31st Resolves] for giving them a color of legality by construing the sentence of rebellion passed on Massachusetts to fall also on themselves.”

Confiding, guileless Mr. Hoyt! The motive of the Mecklenburgers in the abdication argument at the May 20 convention

was to carry conviction to tender consciences and persuade them to vote for independence as it was in the May 31st paper to carry conviction to the Continental Congress and persuade it to sanction their independent government. But it was the flimsiest sort of pretense, without substance to it; certainly not enough to stir the people of an entire county whom it did not touch into patriotic fever and precipitate them into revolution. Given the May convention and the 31st Resolves, based on an abdication which had no existence, as the result, and we have something on a par with the mountain laboring to bring forth a mouse.

The abdication argument as related by Gen. Graham occurred after the committee on resolutions had retired to draft the declaration and was triumphantly answered and disposed of before the committee returned. Hence it could have had no effect on the tenor of those resolutions but doubtless had much to do with shaping the May 31st memorial to Congress.

The only other point of any apparent difficulty in the statements of the witnesses occurs in the testimony of John Simeson. Simeson gave an intelligent and interesting account of the convention and declaration and said: "In addition to what I have said, the same committee appointed three men to secure all the military stores for the county's use—Thomas Polk, John Phifer, and Joseph Kennedy. I was under arms near the head of the line, near Col. Polk, and heard him distinctly read a long string of Grievances, the Declaration and military order above. I likewise heard Col. Polk have two warm disputes with two men of the county, who said the measures were rash and unnecessary. He was applauded and they were silenced." No doubt the May 31st Resolves, which included the military order so well remembered by Simeson, was read to the militia on parade after they were adopted, and while it is not at all clear that

Simeson meant to imply that this occurred at the May 20 meeting, he may very easily, after forty-five years, have confused it with the May 20 proceedings. There is no other intimation in any of the testimony that the military were in line at the Mecklenburg mass meeting and if it was even a muster day the soldiers would not have been confined to ranks while a political discussion was proceeding.

This point troubled the conscientious Swain, who, it appears, fell into the error of viewing the May 31st Resolves as antagonistic instead of complementary to the May 20 Declaration.

Simeson said another thing which is especially significant in connection with the distinction the May 31st Resolves make between the convention of committeemen or acting magistrates and the committee of safety. He said: "The Courts likewise acted independently. I myself heard a dispute take place on the bench, and an acting magistrate was actually taken and sent to prison by an order of the Chairman."

For the rest, the testimony of the witnesses presents no discrepancies worth noting. Some of them did not remember the date of the convention and half of them mentioned Dr. Brevard as the secretary of the meeting, while the others said John McKnitt Alexander was the secretary. It is probably just as well they did not agree too well in their recollections as the enemies of the Declaration would then have criticised their testimony as too consistent to be original.

The Rev. Francis Cummins, of Lexington, Ga., writing to Senator Nathaniel Macon under date of Nov. 16, 1819, after leading up to the convention, said: "At length, in the same year, 1775, I think, at least positively before July 4, 1776, the males generally of that county, met on a certain day in Charlotte, and from the head of the court house stairs proclaimed independence on English Government by their herald, Col. Thomas Polk. I was present, and saw and heard it, and

as a young man, and then a student in Queen's Museum, was an agent in these things."

The Rev. Humphrey Hunter in his historical account of the framing and adoption of the May 20 Declaration, said: "Those resolves having been concurred in, bye laws and regulations for the government of a Standing Committee of Public Safety were enacted and acknowledged." (Let it be remembered that he did not have any suggestion of the dispute over the May 31st Resolves—discovered later—to prompt him to provide for the election of a "Standing Committee of Public Safety.") "On that memorable day," Mr. Humphrey wrote, "I was 20 years and 14 days of age, a very deeply interested spectator, recollecting the dire hand of oppression that had driven me from my native clime, now pursuing me in this happy asylun, and seeking to bind again in the fetters of bondage."

George Graham, Wm. Hutchinson, Jonas Clark and Robt. Robinson joined in a common letter in which, after relating the details of the convention, they said "that a committee of Safety for the county were elected, who were clothed with civil and military power * * * We do further certify, that *the acts passed by the committee of Safety, were received as the Civil Law of the land*, in many cases." Here is a direct reference to the civil code contained in the May 31st Resolves, and it is the more valuable in that it was positive but unconscious testimony that this code was "passed by the committee of Safety" elected by the May 20 convention.

Major John Davidson, "the only person living who was a member of that [Mecklenburg, May 20] Convention," writing in 1830, said: "John McKnitt Alexander and myself were chosen from one company, * * * When the members met, and were perfectly organized for business a motion was made to declare ourselves independent of the Crown of Great Britain, which was carried by a large majority. Dr. Ephraim

Brevard was then appointed to give us a sketch of the Declaration of Independence, which he did."

Lýmáñ Draper said: "When such a man as John Davidson states positively that he was one of the members of the famous Mecklenburg convention of May, 1775, chosen in his captain's company, with John McKnitt Alexander as his coadjutor, no one has ever called his claim into question. It should stand as one of the fixed facts of history."

Col. William Polk, a son of Col. Thomas Polk, who was present at the May 20 convention as a spectator, being too young to take an active part, recited the May 20 resolutions as those adopted and added: "In addition to the foregoing resolutions, a number of other resolutions and bye laws were adopted—Courts of Justice were held by and under the direction of the Delegates— * * * A Committee of Safety was selected from the whole Delegation to whom was given power to examine all persons brought before them who were charged or suspected of being inimical to the cause of freedom and the safety of the country." This is precisely the scheme of government elaborately presented, as we have shown, in the May 31st Resolves, the existence of which paper in print was not known when this was written, thus corroborating the truth of Col. Polk's testimony.

Captain James Jack, living in Elbert County, Ga., certified in the 88th year of his age, to the Mecklenburg Declaration of Independence and related the particulars of his trip with it to Philadelphia. In his distant home in 1819 and after the lapse of forty-four years, Captain Jack could not recall the date of the convention, but, without at that time having any possible motive for doing so, he significantly recalled the fact that sometime elapsed after the convention before he started on his trip. "I was then solicited," he says, "to be the bearer of the proceedings to Congress. I set out the following month, say June, and in passing through

Salisbury, the General Court was sitting—" etc. It is known that Captain Jack did pass through Salisbury while the court was sitting, and that the court sat the first week in June of 1775, having convened on the first day of the month. If the meeting Captain Jack had in mind had been held May 31 he could not have acquired and retained the impression that an appreciable length of time had intervened such as is expressed in the words "the following month," and the length of time he had in mind could not have intervened and yet have permitted him to pass through Salisbury while the court was in session. The absolute declaration of independence could not have been foreseen and provided for in advance. The sending of a messenger to Philadelphia was clearly an afterthought. The committee of safety and correspondence had to meet and fix up the papers for congress. In the meantime the messenger had to be agreed on and the money to pay the expenses of the trip had to be collected from various sources, since, as the four aged witnesses in their joint letter certify, Captain Jack's expenses were paid "by a voluntary subscription." All this occurred between May 20 and the sitting of the court which met June 1 and adjourned June 6. It could not have occurred after May 31 and yet have left the impression on Captain Jack's mind that an interval had elapsed after the convention before he started.

Draper says Captain Jack took "an active part in the Revolutionary War," declined promotions to remain with his company, with the members of which he was very popular; that he loaned his money to the State; that "the close of the war left him poor" and that "his unrequited claims at the time of his death upon North Carolina amounted to 7,446 pounds State currency."

Isaac Alexander, Samuel Wilson and James Johnson also

certified of their personal knowledge to the May convention and its action declaring independence.

We have now brought to establish the truth of the Mecklenburg Declaration of Independence contemporaneous record evidence, oral testimony and collateral circumstances, every species of proof known to human logic. The charge that it is a "myth" cannot stand before such showing.

[Rare old manuscript preserved in the Charleston, S. C., Library.]

A MODERN POEM

By "The Mecklenburg Censor."

PUBLISHED A. D. 1777.

"To the Electors of Mecklenburg.

GENTLEMEN: The following poem came some time ago by accident into my hands, in which I find some things that will probably offend many of my good friends in this county, yet I am of opinion that it contains many useful hints which ought not to be concealed from the public at this critical juncture. I have, therefore, thought it my duty as an impartial but sincere friend to the inhabitants of the county, to give you an opportunity of perusing it.

"The Censor ridicules the confused and unthinking conduct of the freemen of Mecklenburg at the election held last November with a severity that I thought unjustifiable, until I saw that the same spirit of insipid indifference prevailed at our last election, held the 10th day of March.

"He also disapproves of the men you have chosen, and indeed I have great reason to believe from your conduct and public sentiment that you yourselves disapprove of your choice. For what other reason has induced you to hold elections for field officers of the militia and justices of the peace—a power by our Congress very judiciously vested in the General Assembly? And why the very particular instructions you have given your Representatives? If you were convinced that you had chosen honest men, you would surely trust something to their management. But, instead of this, you are so dubious of their integrity that you do everything yourselves, and send them only as messengers to inform the Assembly what your will and pleasure is. Strictly by your

orders our Representatives must abide or do nothing. Quere? Would not those instructions in writing, signed by a number of leading men in the county and sent to the Assembly by a trusty negro, answer the same end? If you expected that your Representatives were to answer any purpose, would you choose out of that class of men, which you always suspected of corrupting your laws and Constitution, a lawyer? And one, too, whose interest (if he has any) lies in another county; at any rate is not a freeholder in this; and never thinks proper to reside in it but when a court is held, at which he may scrape up a few pence, or when he would wheedle you to elect him a Representative, an honor which the people, where his interest lies, are not foolish enough to confer on him?

“I sincerely wish that all party feuds were extinguished in this county, as I verily believe that most of the people at present study more to mortify an opposite party than to promote the general welfare.

“Your sincere friend,

“March 30th, 1777.”

“The Editor.”

“A MODERN POEM.

“When Mecklenburg’s fantastic rabble,
 Renown’d for censure, scold and squabble,
 At Charlotte met in giddy council,
 To lay the Constitution’s ground sill,
 By choosing men most learn’d and wise,
 Who clearly could with half shut eyes,
 See mill stones through, or spy a plot,
 Whether existed such or not;
 Who always could at noon define
 Whether the sun or moon did shine,

And by philosophy knew whether
 It was clear or rainy weather;
 And sometimes, when their wits were nice,
 Could well distinguish men from mice.

- ¹ 'Squire Subtle then to Sulky came,
² Sulky a lawyer mean in fame.
 'Sulky,' he said, 'my friend, pray hear,
 'I've things important for your ear.
 'D'ye mark yon silly rabble rout?
 'Who talk they know not what about;
 'Who by the nose, like colts are led.
 'Quere, isn't this our time to speed?
 'You know, my friend, the vulgar views,
 'I guide to ill just as I choose.
 'By hypocritic cant and prayer,
 'To what I say I make them swear.
 'Lend me your hand, as sure as fate
 'I'll make you rich, I'll make you great,
 'And to the Congress strait I'll send you,
 'And every help I there will lend you.
 'But what I tell you still obey,
 'Lie, perjure, every trust betray;
 'Let public good to private yield,
 'Until our empty bags are filled;
 'Pay equal tax to brother Quirk,
 'He'll do your business in a jerk.'

"Grim Sulky gave the applauding grin,
 And yields assent with all his chin.
 'To you and Quirk my soul I'll sell.'
 He every wrinkle then expands,
 And gives his thanks with lifted hands.

Into the Assembly now they rushed,
 With glowing hopes sublimely flush'd,
 Where Subtle thus harangues the crowd,
 With gesture strong and accent loud.
 'My countrymen, poor, senseless throng,
 'O'er whom I've watched with care so long;
 'Although I move in higher spheres,
 'Nor feel your little hopes and fears,
 'My godlike mind can deign to bend,
 'And sometimes to your needs attend.
 'I oft to heaven your case prefer,
 ('And I have mighty interest there,)
 'By me it is the hosts on high,
 'Regard you with a pitying eye;
 'By me it is each civil right
 'Is not obliterated quite;
 'My wisdom's power at council board
 * 'Redeemed you from a home-bred lord
 'Who else e'er this had stripped your skin,
 * 'As bare as good friend Sulky's chin;
 'By me it is that learning lives,
 'By Sulky and by me it thrives,
 'Who on it have employ'd our stores
 'Of coppers even many scores,
 'At least one score by it I've lost,
 'If I said two I should not boast;
 'Since such my merit I demand
 'You choose me member out of hand;
 'Else hence my aid I'll all withdraw
 'Nor mind you more than empty straw.'

"He said: Then long-chin'd Sulky rose,
 First wip'd his mouth, then blow'd his nose,
 And yawning wide he thus began:

‘Remember, friends, I am the man,
‘Who in provincial council sat,
‘Debating much on schemes of State,
‘I great emoluments had brought,
‘By stress of lungs and stress of thought;
‘Had not my compeers, empty sots,
‘Despised all my earthen pots,
‘You had not eat your victuals fresh,
‘But fitly season’d all your flesh,
‘Your beef, your mutton, pork and pullet,
‘Th’ adored idols of my gullet.
‘A plan I fram’d by which the ocean
 (‘Conformed exactly to my notion)
‘Had yielded all her copious stores,
‘And poured her salt upon our shores.
7 ‘A crock of wondrous shape and size,
‘Such ne’er was seen by human eyes,
‘Had o’er the beach its basin spread,
‘Forming a deep capacious bed,
‘Wherein the briny wave inurn’d
‘Should by the sun to salt be turn’d.
‘But jibing fools my crock withstood,
‘And sneer’d it to its native mud;
‘While you, my friends, the boon lament,
‘The boon my project might have lent—
‘Now listen, Gentles, if you please,
8 How I bemaul’d the Cherokees,
‘When arm’d all o’er in dread array
‘To Indiantown I bent my way,
‘Resistless through the village broke,
‘And much potatoes captive took.
‘To this the troops can witness bear,
‘Who of the captives had a share—

'But more than this, have I not been
 'A patron to the college scheme?
 'Did not I here a school erect,
 'And with my influence it protect?
 'In chimney corner I begot it,
 'And from my fruitful body brought it;
 'Its father, mother, midwife I,
 ' 'Tis purely then my progeny—(all laugh)
 'Restrain, my friends, this noisy mirth;
 'Squire Subtle saw the wondrous birth;
 'And old reports the fact will prove,
 'For Pallas sprung from head of Jove.
 'My learning, too, you know is great,
 'In all the tricks and wiles of State;
 'Able I am from any block,
 'To hew a police or a crock,
 'And any law can quickly make,
 'To hang a man or whip a snake,
 'To fix your right in land or pin,
 'Or castigate you when you sin.
 'Since such my learning and great merit,
 'To any lawyer I'll refer it,
 'If I have not the justest claim,
 'To all the honors you can name.
 'Your votes you cannot fail to give,
 'If you have any sense alive;
 'And if you don't by G—— I swear,
 'You're fools too great for earth to bear,
 'And Subtle shall with book and bell,
 'Soon pray you all to hell.'

"The Sheriff now with awful voice,
 Had signified the people's choice;
 Old Subtle heard himself proclaim'd,

- 10 And Sulky, too, with Sharp Shears nam'd;
 His furious joy in rapture breaks,
 And Sulky's chin in concern shakes.
 He draws his brother Quirk aside,
 And thus he pours th' exulting tide:
 'How happy now our scheme's on foot,
 'We could not wish a tittle to't;
 'Sharp Shears and Sulky well I knew,
 'As I direct will say or do.
 'I'll make them lie, and cringe, and swear,
 'And of the profits give you share ;
- 11 'But this observe, when I'm displaced,
 ('For so I must be, and disgraced,)
 'When e'er some meddling soul shall rise,
 'To ope the blinding vulgar eyes,
 'Unfold the selfish schemes I've built,
 'And trace my secret paths of guilt
 'Then take my place, my steps pursue,
 'And plot for me, I plot for you ;
 'Sharp Shears and Sulky will agree
 'To tool for you as well as me ;
- 12 'The Charlotte trimmer, too, I ween,
 'At home will throw his interest in ;
 'Come let us then to greatness soar,
 'The glittering prospect lies before :
 'We'll gain it soon, pursue, pursue ;
 'The happy goal is full in view.'

'Quirk thought it best to check his pride,
 And thus the cautious knave replied :
 'Take care, my brother, how you steer ;
 'Your sanguine rashness much I fear ;
 'Sharp Shears and Sulky both may aid
 'If in the dark they are wisely led ;

‘But never let the blockheads know
‘Expressly what you mean to do ;
‘For if your secret they possess,
‘They’ll spoil it by their emptiness,
‘Make such a bustle, such a rout,
‘The veriest fool may find it out.
‘Sharp Shears, fat head, can never span
‘The intricate intrigues we plan,
‘Nor guide with such a steady grace,
‘As long can cheat the populace ;
‘The shallow current soon will show
‘The filthy trash that lies below.
‘Sulky, you know, how false his boast
‘Of feats performed on Indian coasts,
‘Of Indian towns to pieces shaken,
‘And huge potatoes captive taken.
‘You know his scheme of marsh-mud kettle,
‘Made like himself of feeble mettle,
‘And twenty things that prove the fool
‘Is only fit to serve as tool.
‘By acting thus secure and sly,
‘We’ll never at their mercy lie ;
‘They can’t in weakness or in pet
‘Expose us to the public hate,
‘If they should fail us we’ll others get,
‘Will serve our purposes as fit.
‘If any should reflect upon us,
‘We’ll stop their mouths with empty honours ;
‘The lucrative engrossing gold
‘Our children and ourselves will hold—
‘And if at length we be detected,
‘When we’ve a mass of wealth collected,
‘We’ll try corruption’s potent force,
‘To keep us steady in our course,

‘And drive the rabble into measures
‘By distribution of their treasures.’

‘Quere,’ cried Subtle, in a transport,
‘If you are not the very man for it;
‘Most wisely you the plot have laid,
‘And I will act just as you’ve said.
‘Oh, how my soul with rapture swells,
‘When on the pleasing thought it dwells
‘Of holding rank ’bove vulgar fate,
‘And supping mush and milk of State;
‘Of giving to the rabble law,
‘While low they cringe with humble awe;
‘Seeing my grounds by negroes till’d,
‘And all my chests with dollars fill’d,
‘A blaze of glory round my head,
‘My house a little palace made;
13 ‘My fair-haired son no more you’ll see,
‘Affrighted, climb a hickory tree,
‘But arm’d with power and mighty sway,
‘Compel the county to obey.
‘Adieu, dear Quirk, I must be gone,
‘Still bear in mind what we’ve begun.’

‘My countrymen, I pray you, think,
You’re tottering on ruin’s brink;
Oh, think, e’er long ’twill be too late,
I tremble for the birth of fate.
E’er long you’ll find the Squire and Quirk,
More absolute than Moor or Turk,
And cause you more exquisite pains,
Than tyrant George’s galling chains.
Be wise, my friends, and choose such men
As will your freedom still maintain,

Make private ends to public yield,
 Contend, and never quit the field,
 Until your rights are all secure,
 By laws and ordinances pure;
 Mark this, nor need advice again, sirs,
 Siml'r to the Mecklenburg Censor's.
 "Finis."

"Characters and notes of information:

"(1) 'Squire Subtle—Hezekiah Alexander, Esq., a shrewd, sensible, cunning man, who had deservedly great influence in the county, having been for many years a magistrate, always taking an active part in the direction and management of public affairs.

"(2) Sulky—Waightstill Avery, Esq., a lawyer of no very considerable eminence in his profession. He formerly made his home at Hezekiah Alexander's, but since the Courts were shut and all procedure of law were interrupted by the breach between Great Britain and America, he has been almost continually engaged in the public service.

"(3) Quirk—John McKnitt Alexander, Esq., brother to Hezekiah Alexander, and equally active in public matters. He was delegated to the Provincial Congress, and since the new Constitution was introduced has been chosen member of the Senate.

"(4) The person here alluded to (in the mouth of 'Squire Subtle, called a home-bred lord,) is Col. Thomas Polk, who is something like the novus homo of the Romans, having risen to wealth and honor from a state of poverty and meanness. He was formerly member of Assembly a number of years, and has been much employed in public services, in all of which he was ever mindful of his own private emolument. Some jealousy has subsisted between him and Mr. Alexander, their views having not always co-incided.

"(5) Mr. Avery has received from nature a long chin, which she has left almost entirely beardless.

"(6) Mr. Alexander once brought up from Charlestown a parcel of coppers, which he distributed in the county. He is charged by some with being too parsimonious.

"(7) Mr. Avery made a motion in the convention concerning the erecting of salt works on the seacoast of their State. Whether he proposed such a basin as is here described I can not tell. A resolution, however, was made that the salt works should be erected, and Mr. Avery was appointed one of the commissioners.

"(8) Mr. Avery was out in the expedition against the Cherokees last year."

Notes 9 and 10 of the manuscript are mutilated. Of note 9 the only words legible are "did not see fit to grant" [torn] "for an academy," a reference, obviously, to the charter of Queen's Museum College, which the king disallowed, or rather, repealed by royal proclamation.

Note 10. [Torn] "Robert Irwin, Esq., formerly member of provincial [torn] now one of the commons of this county. Some bills for services [torn] the public fell under his cognizance, and some of the charges appearing exorbitant, he would not admit them. For reducing these he was honored with the name Sharp Shears. His character is very good.

"(11) The election has been spoken of [torn] held last November. In the election held the 10th of March last Mr. Hezekiah Alexander did not sit up himself as a candidate.

"(12) The person intended by the Charlotte trimmer is Mr. Jeremiah McCafferty, merchant in this town, a man of fortune and influence, but not a zealous partisan, for which reason, perhaps, he is called a trimmer.

"(13) In the Indian war last fall, in some alarm or other, Mr. Alexander's son, it is said, did actually climb a hickory tree. He was called by way of derision Forty-foot, as though, forsooth, he had jumped so high up the tree when he saw danger threatening."

MAY 18 1908

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